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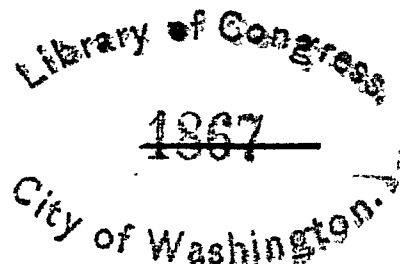
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JOURNAL
OF
THE COUNCIL
OF THE
LEGISLATIVE ASSEMBLY
OF THE TERRITORY OF NEBRASKA,

AT THEIR REGULAR SESSION, BEGUN AND HELD AT OMAHA,

JANUARY 4, 1866.



CHICAGO :
CULVER, PAGE & HOYNE.
1867.

J87
N2
1866b

BILLS CONSIDERED IN COUNCIL---11th Session.

COUNCIL FILES.

No. 1. A joint resolution to provide for the appointment of a Joint Committee on the part of the Legislative Assembly, to consider the revision of the Laws.

No. 2. Memorial and joint resolution relative to State Government.

No. 3. A Bill for an Act changing the time of holding the District Court in the County of Washington, N. T.

No. 4. Report of the Commissioner, and revision of the Laws.

No. 5. A Bill for an Act to regulate the pay of County Commissioners.

No. 6. A Bill for an Act to encourage agriculture, promote the growth of timber, and restrain stock from running at large, in the Territory of Nebraska.

No. 7. A Bill for an Act to legalize the acts of the Probate Judge of Leau-qui-court County, and for other purposes.

No. 8. A Bill for an Act to legalize the location of a Territorial Road from the city of Plattsmouth, in Cass County, to intersect the Territorial Road in section No. 3, in township No 9, North of range 6 East of the 6th Principal Meridian, in Lancaster County, Nebraska.

No. 9. A Bill for an Act to vacate a part of the town of North Pawnee City.

No. 10. A Bill for an Act to revise an Act entitled "An Act to consolidate the Corporations of Nebraska City, South Nebraska City and Kearney City, and to incorporate Nebraska City," approved December 31st 1857, and the several amendments to said Act.

No. 11. Memorial and joint resolution to the Honorable the Secretary of War, requesting the "muster out" of the Nebraska Veteran Volunteer Cavalry.

- No. 12. A Bill for an Act to provide a fund to build a jail in Washington County.
- No. 13. A Bill for an Act for the location of a Territorial Road from Dakota City, *via* DeWitt, to West Point, Nebraska.
- No. 14. A Bill for an Act to insure the safe-keeping of prisoners in Douglas County, and to provide for and regulate the pay for guarding the same.
- No. 15. A Bill for an Act to incorporate the Great Nemaha Valley Mining Company.
- No. 16. A Bill for an Act to incorporate the Union Transfer Company.
- No. 17. A Bill for an Act to incorporate "Interior Lodge No. 9, of the Independent Order of Odd Fellows," at Pawnee City, Pawnee County, Nebraska.
- No. 18. A Bill for an Act to authorize the County Commissioners of Cuming City to provide a fund for certain purposes.
- No. 19. A Bill for an Act to incorporate the Brownville, Tecumseh and Big Sandy Wagon Road Company.
- No. 20. A Bill for an Act to amend an Act entitled "An Act to authorize the Town Council of Nebraska City to raise money to erect a Central or High School Building," approved February 15th, 1864.
- No. 21. A Bill for an Act to repeal an Act entitled "An Act to amend an Act entitled An Act to restrain cattle, sheep and swine, from running at large in Richland and Fontenelle Precincts, in Washington County, approved January 11th, 1861," so far as the same relates to Richland Precinct.
- No. 22. Joint resolution submitting a Constitution for a State Government to the people for their approval or rejection.
- No. 23. Memorial and joint resolution relative to mail routes.
- No. 24. A Bill to define the boundaries of the several Counties of Nebraska, and to establish new Counties.
- No. 25. A Bill for an Act to incorporate the Richardson County Mining Company.
- No. 26. Joint resolution and memorial asking for grant of lands from Brownville westward.
- No. 27. A Bill for an Act vacating a part of Cuming City, in Washington County.
- No. 28. A Bill for an Act to incorporate the Peru Seminary.
- No. 29. A Bill for an Act for the sale of delinquent stock of Corporations for Nebraska Territory.
- No. 30. Memorial and joint resolution for additional aid and privileges for the Burlington and Missouri River Railroad Company.
- No. 31. A Bill for an Act in relation to vagrants.
- No. 32. A Bill for an Act to incorporate the Nebraska Annual Conference of the Methodist Episcopal Church, and for other purposes.
- No. 33. A Bill for an Act to continue the organization of the County of Buffalo, Nebraska Territory.

No. 34. A Bill for an Act requiring District Courts to reduce instructions given to juries to writing, when requested.

No. 35. A Bill for an Act for revising, amending, consolidating and re-enacting the Civil and Criminal Codes, and the laws of a general nature of the Territory of Nebraska.

No. 36. Joint resolution appointing Experience Estabrook to superintend the enrolling, arranging and indexing the "Revised Statutes" of Nebraska, and for other purposes.

HOUSE FILES

CONSIDERED IN COUNCIL.

No. 2. A Bill for an Act to incorporate the Credit Foncier of America.

No. 3. Joint resolution for providing members of the Legislative Assembly with newspapers.

No. 4. A Bill for an Act to authorize the record of certain instruments affecting the title to real estate, and for other purposes.

No. 6. A Bill for an Act to repeal an Act entitled "An Act to provide for the erection and incorporation of the Johnson County Seminary."

No. 7. A Bill for an Act to incorporate the Arago Scheutzenverein.

No. 8. A Bill for an Act to authorize Z. J. Parsons to establish and keep a ferry across the Missouri river at Rulo, Richardson County, Nebraska Territory.

No. 9. Memorial and joint resolution for the removal of the Indians that are now located on reserved lands in Nebraska.

No. 10. A Bill for an Act to authorize Jacob Weber to erect a mill-dam across the Long Branch Creek, in Richardson County, Nebraska Territory.

No. 11. A Bill for an Act to incorporate the Missouri Colonization Society.

No. 12. A Bill for an Act to vacate certain portions of Rulo City, Richardson County.

No. 13. A Bill for an Act to authorize Dennis Dean to erect a mill-dam.

No. 14. A Bill for an Act to authorize John S. Goss and associates to establish and keep a ferry across the Missouri river at Fort Calhoun.

No. 15. A Bill for an Act to authorize the erection of a mill-dam over the Great Nemaha River, in Richardson County.

No. 16. A Bill for an Act to incorporate the Pittsburg and Platte Valley Mining Company.

No. 17. A Bill for an Act to repeal an Act to provide for the protection of crops, and destruction of blackbirds, crows and gophers, in the Counties of Cedar, Dixon and Dakota.

No. 18. A Bill for an Act to legalize the acts of Commissioners appointed to locate a Territorial Road from Simpson's Landing, *via* Tekama, in Burt County, to Logan Creek Mill, in Washington County.

No. 19. A Bill for an Act to extend the corporate limits of the town of Columbus, in Platte County.

No. 20. A Bill for an Act to allow the City Council of the city of Omaha to provide a city prison.

No. 21. A Bill for an Act to enable the Commissioners of Dodge County to raise a fund to build a Court House.

No. 23. A Bill for an Act to incorporate Keystone Chapter No. 2, Royal Arch Masons, at Nebraska City.

No. 24. A Bill for an Act to authorize Isaac McKinley to erect and keep a mill-dam across Pawnee Creek, in Cass County, Nebraska.

No. 25. A Bill for an Act to vacate block No. 13, in the town of Ponca, Dixon County, Nebraska Territory.

No. 26. A Bill for an Act to authorize the Union Grist-mill Association to erect a mill-dam across the Little Nemaha River.

No. 27. A Bill for an Act to vacate certain portions of Calhoun City Company's Addition to Fort Calhoun.

No. 28. A Bill for an Act to legalize certain acts of the City Council of the city of Fort Calhoun, Nebraska Territory, and give jurisdiction over cemetery grounds.

No. 29. A Bill for an Act to locate a Territorial Road from St. Deroin, to intersect a Territorial Road from Falls City to Nemaha City.

No. 30. A Bill for an Act to repeal an Act to restrain cattle from running at large in St. Johns precinct, Dakota County, Nebraska Territory.

No. 33. A memorial and joint resolution for a mail route from Ponca, Dixon County, to Fremont, in Dodge County, Nebraska Territory.

No. 34. A Bill for an Act to confirm the title to certain real estate in Nebraska City, County of Otoe, and Territory of Nebraska, and vest the same in Otoe County.

No. 35. A Bill for an Act to confirm the title to certain real estate in Nebraska City, to Nebraska City, for school purposes.

No. 36. A Bill for an Act to provide for the education of the deaf and dumb children in Nebraska.

No. 37. A Bill for an Act to vacate the town site of Winnebago, in Richardson County.

No. 40. A Bill for an Act to change the boundary-lines of Cass and Saunders Counties.

No. 41. A Bill for an Act to annex the County of Otoe, N. T., to the 1st Judicial District.

No. 42. A Bill for an Act to incorporate the Gas Company of Omaha.

No. 43. A Bill for an Act to incorporate the Board of Trade of the city of Omaha.

No. 44. A Bill for an Act to provide for the funding of the out-standing warrants of the city of Omaha, and to create a sinking fund.

No. 45. A Bill for an Act to incorporate the German Reading Association.

No. 46. A Bill for an Act to authorize the County Commissioners of Douglas County to apprentice paupers under the age of twenty-one years.

No. 47. A Bill for an Act to authorize Douglass County to levy a special tax for the purpose of erecting bridges, and for other purposes.

No. 48. A Bill for an Act for the relief of M. E. Moreland.

No. 51. A Bill for an Act to incorporate the "Western Transportation Company."

No. 52. A Bill for an Act for the relief of Daniel Limming.

No. 54. A Bill for an Act to authorize the County Commissioners of Richardson County to award a special bounty for the destruction of wolves and wildcats.

No. 57. A Bill for an Act to re-define the boundaries of Cuming County.

No. 58. A Bill for an Act to authorize the County Commissioners of Burt County to raise money to erect a Court House and Jail.

No. 60. A Bill for an Act to provide a poor fund in the County of Douglas, and for other purposes.

No. 61. A Bill for an Act making appropriations for Legislative Expenses, and for other purposes, for the year A. D. 1866.

No. 63. A Bill for an Act to incorporate the Omaha Insurance Company.

No. 64. A Bill for an Act to authorize a ferry across the Platte river.

No. 65. A Bill for an Act to amend an Act entitled "An Act to restrain stock from running at large in Douglas County, Nebraska," approved February 13th, 1865.

No. 66. A Bill for an Act to authorize J. T. A. Hoover to erect a mill-dam across Mill Creek.

No. 67. A Bill for an Act to restrain stock from running at large in Cuming County, and in part of Otoe, Cass, Nemaha and Saunders Counties, N. T.

No. 69. A Bill for an Act to authorize James M. Paulin, his heirs, associates and assigns, to establish and keep a ferry across the Missouri river at Aspinwall, in Nemaha County.

No. 70. A Bill for an Act to amend an Act entitled "An Act to restrain stock from running at large in Hall County, and in Kelly precinct, Douglas County, Nebraska Territory."

No. 71. A Bill for an Act to create a Board of Immigration, and to encourage immigration to Nebraska.

No. 72. A Bill for an Act to incorporate the Board of Trade of Nebraska City, Nebraska Territory.

No. 73. A Bill for an Act to incorporate the Nebraska City Mercantile Library Association.

No. 74. A Bill for an Act to vacate certain blocks in the town of Peru.

No. 75. A Bill for an Act to vacate the town of Archer, in Richardson County.

No. 76. A Bill for an Act to authorize the Board of Education of Bellevue township and Bellevue City, Sarpy County, to levy a special tax for school purposes.

No. 77. A joint resolution endorsing President Johnson's Policy.

No. 78. Preamble and joint resolution protesting against any change by Congress of the organic act of the Territory of Nebraska.

No. 79. Memorial and joint resolution relative to mail route from Dakota City, Nebraska, to Yanceton, Dakota Territory.

No. 81. A Bill for an Act to locate a Territorial Road from Ponca, Dixon County, to Niobrarah, Leau-qui-court County, Nebraska Territory.

No. 82. A Bill for an Act to authorize a Geological Survey in the Territory of Nebraska.

No. 84. A Bill for an Act to amend section 1 of an Act to restrain Bulls from running at large in the Counties of Cedar, Dixon, Dakota and Pawnee, and precinct of North Bend, and Dodge County, N. T., approved February 13th, 1865.

No. 85. A Bill for an Act to legalize the collection of taxes in Cass County for the year 1860.

No. 86. A Bill for an Act to restrain cattle from running at large at night in Jones County.

No. 87. A Bill for an Act to allow County Commissioners to build or repair bridges within the limits of incorporated towns or cities.

No. 89. A Bill for an Act defining the time of session of the Board of Equalization for the Counties of Dixon, Cedar and Leau-qui-court.

No. 90. A Bill for an Act to legalize the acts of Charles H. Walker, of Saunders County, John P. Loder and Richard Wallingford, of Lancaster County.

No. 91. Memorial and joint resolution praying Congress for land bounty to Nebraska troops.

No. 92. A joint resolution for a railroad from Nebraska City west.

No. 93. A Bill for an Act to change the location of a portion of the Territorial Road leading from St. Stephens to the Military Road from Leavenworth to Fort Kearney.

No. 94. A Bill for an Act to provide for the rendition of accounts by persons disbursing appropriations.

No. 95. A Bill for an Act to authorize the County Commissioners of Sarpy County to levy a special tax for the relief of the general road fund of said County.

No. 96. A Bill for an Act to vacate the town site of Yanceton, Richardson County.

- No. 97. Memorial and joint resolution for a mail route from Plattsmouth, Cass County, to Beatrice, Gage County, Nebraska.
- No. 98. A Bill for an Act to amend the charter of the city of Plattsmouth.
- No. 99. A Bill for an Act to locate a Territorial Road from Decatur, in Burt County, to Fremont, in Dodge County.
- No. 100. A Bill for an Act to incorporate the Washington County Mining Company.
- No. 101. A Bill for an Act to incorporate the Credit Foncier of America.
- No. 103. Memorial and joint resolution asking Congress for a reimbursement for money expended in military expeditions against the Indians in 1864.
- No. 104. Memorial and joint resolution to Congress asking for the removal of obstructions in the Missouri river, and for other purposes.
- No. 105. A Bill for an Act to create Silver Creek precinct, in Burt County.
- No. 106. A Bill for an Act to change the name of the town of St. Derooin, in Nemaha County, to Marysville.
- No. 107. A Bill for an Act to repeal all acts restraining stock from running at large in Monroe precinct, Platte County.
- No. 108. A Bill for an Act to provide for building a Court House and jail in Washington County, and to re-locate the county-seat thereof.
- No. 109. A Bill for an Act for a Territorial Road from Fremont, Dodge County, by way of DeWitt, Cuming County, to John Oaks' place, in Burt County.
- No. 110. A Bill for an Act for the relief of Nancy J. Glenn.
- No. 111. Memorial and joint resolution asking for mail service from Frankfort to Niobrarah, in Leau-qui-court County, in Nebraska.
- No. 112. Memorial and joint resolution relative to a mail route.
- No. 113. A Bill for an Act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks precincts, Otoe County,
- No. 114. A Bill for an Act to restrain stock from running at large in Cuming County.
- No. 115. A Bill for an Act relative to claims for military services.
- No. 116. A Bill for an Act to locate a Territorial Road from the North line of the city of Omaha, to intersect the Territorial Road running to Fort Calhoun, in Washington County.
- No. 117. A Bill for an Act to authorize sub-school district No. 2, in precinct No. 1, in Lancaster County, to raise a fund for the erection of a school house.
- No. 118. A Bill for an Act to fund the corporate indebtedness of Nebraska City.
- No. 120. A Bill for an Act to make stock accountable for damage they may do upon cultivated lands.

No. 121. A Bill for an Act to amend an Act entitled "An Act to restrain stock from running at large in the Counties of Clay, Lancaster and Seward.

No. 122. A Bill for an Act to restrain stock from running at large in Plattford and Forest City precincts, of Sarpy County, Nebraska.

No. 123. A Bill for an Act to establish a Herd Law for Salt Creek and South Bend precincts, Cass County, and fractional township No. 13, N., of range 9 East, in Saunders County.

No. 124. A Bill for an Act to incorporate the Internal Improvement and Trust Company.

No. 125. A Bill for an Act to provide for serving notice by publication upon parties to suits for divorce, and for other purposes.

No. 126. A Bill for an Act to provide for the education of the deaf and dumb, and the blind children, in Nebraska.

No. 127. Joint resolution to detail a guard for H. F. No. 108.

JOURNAL OF THE COUNCIL

The eleventh regular session of the Legislative Assembly of the Territory of Nebraska convened at the capitol in the city of Omaha, according to law, on Thursday, the 4th day of January, A. D. 1866, at 2 o'clock, P. M.,

At which hour the Council was called to order by Mr. Mason of Otoe, member of the Council.

Mr. Kennedy of Douglas, nominated Wm. E. Harvey for Chief Clerk *pro tem*.

Mr. Chapman of Cass, nominated Rienzi Streeter for Chief Clerk *pro tem*.

On motion of Mr. Griffey of Dakota,

The Council proceeded to the election of a chief clerk *pro tem*, by ballot.

During the ballot,

Mr. Miller of Cass, rose to a question of privilege, and desired to be informed who were entitled to vote in the pending ballot.

The Chairman decided that only such persons as appeared by record to be members of the Council, were then entitled to vote.

Mr. Kennedy of Douglas, appealed from the decision of the Chair.

The question being taken by division, resulted—For sustaining the decision, 5 votes; against sustaining the decision, 5 votes, and so the decision of the Chair was sustained,

The ballot for chief clerk *pro tem*. resulted—For Mr. Harvey, 5 votes; for Mr. Streeter, 6 votes.

Mr. Streeter was declared elected, and took the chair.

Mr. Kennedy of Douglas, moved that the clerk *pro tem*. proceed to call the names of council districts for the presentation of the credentials of members claiming seats in this body.

The question being taken upon the passage of the motion, resulted, upon division, 5 ayes, 6 nays,

And the motion was lost.

On motion of Mr. Mason of Otoe,

The Council proceeded to the choice of a Chairman *pro tempore*.

Mr. Kennedy nominated Mr. Bennet of Otoe.

Mr. Chapman nominated Mr. Mason of Otoe.

The vote was taken and resulted :

For Mr. Mason—Messrs. Allen, Bennett, Chapman, Holliday, Miller and McCasland—six (6).

For Mr. Bennet—Messrs. Albertson, Griffey, Kennedy, Porter and Mason—five (5).

So Mr. Mason of Otoe, was declared elected Chairman *pro tem.*, and took the Chair.

On motion of Mr. Kennedy,

The Council proceeded to the election, by ballot, of a committee of three on credentials, which resulted :

For Mr. Allen.....6 votes.

For Mr. Miller.....6 votes.

For Mr. McCasland.....6 votes.

For Mr. Bennet.....5 votes.

For Mr. Griffey.....5 votes.

For Mr. Kennedy.....5 votes.

So Messrs. Allen, Miller and McCasland, were declared elected a committee on credentials.

Mr. Porter of Douglas moved that the committee on credentials be requested to report immediately.

Pending the motion,

Mr. Allen of Washington, moved to adjourn until Friday morning at 10 o'clock.

Upon a division the vote stood, five ayes, five nays ; whereupon the Chairman voted aye, and the Council adjourned until 10 o'clock to-morrow morning.

RIENZI STREETER,

Chief Clerk *pro tem.*

FRIDAY, JANUARY 5, 1866.

Council met pursuant to adjournment.

President *pro tem.* in the chair.

Roll call :

Absent—Messrs. Allen, Bayne, Miller and McCasland.

Journal read and approved.

The Chair decided that the first business in order was the report of the committee on credentials.

The committee on credentials appeared and through Mr. Allen, their chairman, submitted the following report :

Mr. President: Your committee on credentials beg leave to report that upon examination of credentials and records of last session, the following named individuals are entitled to seats in this Council: T. L. Griffey, E. A. Allen, B. E. B. Kennedy, J. R. Porter, J. Albertson, J. S. Miller, John W. Chapman, John Bennet, O. P. Mason, A. S. Holladay, O. P. Bayne and J. N. McCasland; and also, by the same record, that a vacancy existed at the close of the last session, in the councilman district composed of the counties of Sarpy and Dodge.

And your committee further find a certificate from the county clerk of Sarpy county, showing that at the last general election held in this Territory, Corrington Blanchard was duly elected to fill the vacancy above set forth, and in the opinion of your committee the said Corrington Blanchard is entitled to a seat in this body.

And your committee would further report that there was presented to them a paper purporting to be a certificate from the county clerk of Richardson county, setting forth that at a special election held in said county on the 21st day of November, A. D. 1865, one George Faulkner received a majority of all the votes polled thereat, for the office of councilman for said county of Richardson.

And your committee would state that no evidence has been presented to them, either from the certificate of said county clerk or otherwise, that a vacancy exists in the office of councilman from said county.

(Signed) E. A. ALLEN,
J. G. MILLER,
J. N. McCASLAND.

Mr. Chapman of Cass, moved that the report of the committee on credentials be adopted.

Mr. Kennedy of Douglas, moved an amendment, that the report of the committee be received, and the committee discharged.

The Chair decided that the motion of the councilman from Douglas was an independent motion, and first in order.

The question then being taken on this motion, the motion prevailed, and the report received, and the committee discharged.

The question then recurring on the motion of the gentleman from Cass, resulted, on a division—ayes, 5, nays, 5.

The Chair voted aye.

So the report was adopted.

Mr. Kennedy of Douglas, moved that the Chair appoint a committee of three to wait on the Hon. A. S. Paddock, secretary of the Territory, and request him to administer the requisite oath to Mr. Blanchard of Sarpy, member elect.

The Chair appointed Messrs. Kennedy, Allen and Porter said committee.

The committee having waited upon the secretary, reported him present.

The secretary then appeared within the bar, and duly administered the oath to Mr. Blanchard, member elect from Sarpy.

On motion of Mr. Miller of Cass,

The Council then proceeded to a permanent organization.

Nominations for President being in order,

Mr. Kennedy nominated Mr. Porter of Douglas.

Mr. Allen nominated Mr. Chapman of Cass.

The nominations were then declared closed.

Mr. Kennedy of Douglas, moved that the Council proceed to elect by ballot
Carried.

The Chair appointed Messrs. Allen, Kennedy and Holladay, tellers.

The question being taken, Mr. Chapman received 6 votes, and Mr. Porter received 6 votes.

There being no choice, the Council then proceeded to a second ballot.

After the votes were counted, and before the result was announced by the Chair,

Mr. Allen of Washington, one of the tellers, informed the President that he had neglected, through mistake, to vote, and asked permission to vote at that time.

The Chair stated that unless an objection was interposed, the gentleman from Washington would be permitted to vote.

No objection being made Mr. Allen cast his vote, when the ballot resulted :
For Mr. Chapman, 6 votes, and for Mr. Porter, 6 votes.

On motion of Mr. Griffey of Dakota,

The Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed business.

On motion of Mr. Kennedy of Douglas,

Council proceeded to a third ballot for permanent President, with the following result :

Mr. Chapman received 6 votes, and Mr. Porter received 6 votes.

There being no choice, the Council proceeded to a fourth ballot with the same result as on the third ballot.

Mr. Allen of Washington, moved to adjourn.

The motion was lost.

The Council then proceeded to a fifth, sixth, seventh, eighth and ninth ballots, on each of which ballots,

Mr. Chapman received 6 votes; Mr. Porter received 6 votes, when

Mr. Holladay of Nemaha, moved to take a recess of five minutes.

Lost.

The Council then proceeded to a tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth ballots, on each of which ballots,

Mr. Chapman received 6 votes, and Mr. Porter received 6 votes, and there was no choice, when,

On motion of Mr. Allen of Washington,
The Council adjourned until 10 o'clock to-morrow morning.

RIENZI STREETER,
Chief Clerk *pro tem*.

SATURDAY, JANUARY 6, 1866.

Council met pursuant to adjournment.

President *pro tem* in the Chair.

Roll called.

Absent—Mr. Bayne.

Journal read and approved.

Nominations being in order,

On motion of Mr. Miller of Cass,

Mr. Judson was elected fireman *pro tem*.

Mr. Holladay of Nemaha, moved that the Council proceed to the election of a chaplain *pro tem*.

Mr. Griffey of Dakota, moved an amendment, that the chaplain be selected from the body of the Council.

Mr. Miller of Cass, moved to lay the motion to amend on the table.

The motion to lay on the table prevailed.

Mr. Allen of Washington, moved to lay the original motion on the table, which was agreed to.

Mr. Kennedy of Douglas, offered the following:

“Resolved, That George Faulkner be admitted to a seat in this body, as councilman elect from Richardson county, to fill the vacancy created by the removal of Hon. Oliver P. Bayne from the Territory of Nebraska, as appears by the file in the office of the secretary of the Territory.”

And upon this resolution moved the previous question.

The Chair hearing but one second to the motion, decided that the motion was not properly seconded under the rule.

Mr. Kennedy of Douglas, appealed from the decision of the Chair.

The question being put, “Shall the decision of the Chair stand as the judgment of the Council?”

The decision of the Chair was not sustained—Yeas five (5), nays six (6).

The question being put, “Shall the main question be now ordered?”

Resulted, upon, a division—Yeas 6, nays 5.

The Chair voted nay.

So the main question was not ordered.

Mr. Kennedy of Douglas, protested against the right of the Chair to vote.

The Chair decided that the President may vote when there is a tie vote, or when his vote will otherwise change the result.

Mr. Kennedy of Douglas, appealed from the decision of the Chair as follows:

“That under the rules governing this body, the Chair cannot vote in a case of a tie vote, or where his vote, if cast with the minority, will make a tie vote, and thereby change the decision of the question.”

Pending the discussion,

The Chair decided that the resolution of the gentleman from Douglas was not in order until the vote of this body adopting the report of the committee on credentials was first re-considered.

Mr. Kennedy of Douglas, rose to a point of order—

“That it is not competent for the Chair to go back and pass on a resolution, while questions taking precedence, relating to action upon said resolution, are not disposed of.”

The Chair sustained the point of order.

Upon the question—“Shall the decision of the Chair, ‘That the President may vote when there is a tie vote, or when his vote will otherwise change the result,’ stand as the judgment of the Council?”

The decision of the Chair was sustained—Yeas 10, nays 2.

The Chair voting yea.

Mr. Kennedy of Douglas, rose to a point of order,

“That the President has no right to vote on an appeal from his own decision.”

The Chair stated that as the withdrawal of the vote would not change the result, and without deciding the point, the vote would be withdrawn;

When the ballot was announced—Yeas 9, nays 2.

The question recurring on the passage of the resolution,

The Chair decided that the resolution was not in order until the vote of this body, adopting the report of the committee on credentials, was first reconsidered.

Mr. Kennedy of Douglas, appealed from the decision of the Chair.

The question being put, “Shall the decision of the Chair stand as the judgment of the Council?”

The decision of the Chair was sustained—Yeas 6, nays 5.

Mr. Miller of Cass, moved to adjourn.

Lost.

The election of the President being in order, the Council proceeded to a seventeenth ballot.

Mr. Chapman received 6 votes; Mr. Porter received 6 votes.

There being no election the Council proceeded to an eighteenth ballot,

Pending which,

At 12 o'clock 25 minutes, noon, a committee on the part of the House appeared upon the floor of the Council, and through their chairman, Mr. Lake, informed the Council that the House was organized and ready to proceed to business.

The eighteenth ballot resulted—For Mr. Chapman, 6 votes ; for Mr. Porter, 6 votes.

There being no election the Council proceeded to a nineteenth ballot
Mr. Holladay of Nemaha, moved to adjourn until 2 o'clock, P. M.
Lost.

On the nineteenth ballot, Mr. Chapman received 6 votes ; Mr. Porter received 6 votes.

There being no election the Council proceeded to a twentieth ballot,
Pending which,

On motion of Mr. Griffey of Dakota,
The Council adjourned until 10 o'clock Monday morning next.

RIENZI STREETER,
Chief Clerk *pro tem.*

MONDAY, JANUARY 8, 1866.

Council met pursuant to adjournment.
President *pro tem.* in the Chair.
Roll called.
Absent—Mr. Bayne.

Journal read and approved.

The election of a President being in order, the Council proceeded to the twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth ballot, on each of which ballots Mr. Chapman received 6 votes ; Mr. Porter received 6 votes,
And there was no election.

On motion of Mr. Holladay of Nemaha,
The Council proceeded to the election of two pages for this session.
Mr. Kennedy nominated Master Ernest Stang.
Mr. Allen nominated Master Archie Powell.
Mr. Holladay nominated Master Albert Van Camp.
Mr. Miller nominated Master Henry Estabrook.
Mr. Porter nominated Master Fred. Ingalls.

On the first ballot,

Master Stang received.....	4 votes.
Master Powell received.....	4 votes.
Master Van Camp received.....	3 votes.
Master Estabrook received.....	1 vote.

No person having received a majority of all the votes cast, the Council proceeded to a second ballot for a page.

Master Stang received.....	7 votes.
Master Powell received.....	4 votes.
Master Estabrook received.....	1 vote.

Master Stang, having received a majority of all the votes cast, was declared duly elected.

The Council then proceeded to a ballot for a second page.

Mr. Kennedy of Douglas, moved that at each ballot hereafter the name of the person having the smallest number of votes be stricken from the list.

Lost.

Master Powell received.....3 votes]

Master Van Camp received.....6 votes.

Master Estabrook received.....2 votes.

Master Ingalls received.....1 vote.

No one having received a majority of all the votes cast, the Council proceeded to a second ballot for second page.

Master Powell received.....5 votes

Master Van Camp received.....7 votes.

Master Van Camp having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Bennett of Otoe,

Council took a recess of 15 minutes,

After which,

Council resumed business and proceeded to a twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth and thirty-sixth ballots for President, on each of which ballots,

Mr. Chapman received 6 votes; Mr. Porter received 6 votes,

And there was no election.

On motion of Mr. Chapman of Cass,

The Hon. Geo. Faulkner, contestant of the seat of Hon. O. P. Bayne, was invited to a seat within the bar of the Council.

On motion of Mr. Porter of Douglas,

The Council took a recess until 2 o'clock, P. M.

TWO O'CLOCK, P. M.

Council resumed business, and proceeded to a thirty-seventh ballot.

Mr. Mason received 6 votes, and Mr. Chapman received 6 votes,

And there was no election.

Mr. Chapman of Cass, moved that the Hon. O. P. Mason of Otoe, be declared unanimously elected.

Mr. Miller of Cass, moved an amendment, that the Council proceed to elect by ballot.

The Chair decided that as the last motion related to the manner of voting, it took precedence.

The Council proceeded to a thirty-eighth ballot.

Mr. Mason received 7 votes; Mr. Chapman received 4 votes; Mr. Porter received one vote.

Mr. Mason having received a majority of all the votes cast, was declared duly elected.

On motion of Mr. Kennedy of Douglas,
The Council proceeded to the election of a chief clerk.

Mr. Kennedy nominated Wm. E. Harvey.

Mr. Allen nominated John S. Bowen.

Mr. Harvey received 11 votes; Mr. Bowen received 1 vote.

Mr. Harvey having received a majority of all the votes cast, was declared duly elected.

Mr. Kennedy moved that the Council now proceed to elect an assistant clerk,

Which motion was agreed to.

Mr. Kennedy nominated William W. Watson, of Sarpy county, for assistant clerk.

There being no further nominations,

Mr. Kennedy moved that Mr. William W. Watson be declared elected unanimously,

Which motion was agreed to, and Mr. Watson was declared elected assistant clerk.

Mr. Kennedy moved that the Council proceed to elect the remaining officers of the Council,

Which motion was agreed to.

Mr. Kennedy nominated Wyley B. Dixon for the office of sergeant-at-arms.

There being no farther nominations,

Mr. Kennedy moved that Mr. Wyley B. Dixon be declared elected.

Which motion was agreed to, and Mr. Dixon was declared elected sergeant-at-arms.

Mr. Griffey nominated Charles Ulry for the office of doorkeeper.

There being no other nominations,

Mr. Griffey moved that Mr. Ulry be declared elected,

Which motion was agreed to, and Mr. Charles Ulry was declared elected doorkeeper.

Mr. Kennedy nominated Mr. A. H. Burke for engrossing clerk.

There being no further nominations,

Mr. Kennedy moved that A. H. Burke be declared elected engrossing clerk,

Which motion was agreed to, and Mr. Burke was declared elected engrossing clerk.

Mr. Albertson nomined O. T. B. Williams for enrolling clerk.

There being no further nominations,

Mr. Albertson moved that Mr. O. T. B. Williams be declared elected to that office,

Which motion was agreed to, and Mr. Williams was declared elected enrolling clerk.

Mr. Griffey nominated Rev. Henry W. Kuhns, and

Mr. Miller nominated Rev. William B. Slaughter for the office of chaplain.

On the vote being taken,

Mr. Kuhns received 10 votes, and Mr. Slaughter received 2 votes.

Rev. Henry W. Kuhns having received a majority of all the votes cast, was declared elected chaplain.

Mr. Allen moved that a committee of three be appointed to wait on Hon. A. S. Paddock, secretary of the Territory, and request him to administer the oath of office to the officers elect,

Which motion was agreed to, and

Messrs. Allen, Chapman and Kennedy were appointed such committee.

Hon. A. S. Paddock, secretary, appeared within the bar, and administered the oath of office to

HON. O. P. MASON, President;

W. E. HARVEY, chief clerk;

WILLIAM W. WATSON, assistant clerk;

CHARLES ULRY, doorkeeper;

ERNEST STANG, page;

PHILO JUDSON, Fireman.

RIENZI STREETER,

Chief Clerk *pro tem*.

Mr. Allen moved that a committee of three be appointed to inform the Honorable the House of Representatives, that the Council was organized and ready to proceed to business,

Which motion was agreed to, and

Messrs. Allen, Holladay and Porter were appointed such committee.

Mr. Holladay moved that the rules of the last Council, as printed in the Journals, be adopted for the government of this Council,

Which motion was agreed to.

Mr. Allen moved that a committee of three be appointed to wait on the House and inform them that the Council was ready to meet them in joint convention and hear any communication that his excellency the governor might have to make to them,

Which motion was agreed to, and

Messrs. Allen, McCasland and Blanchard were appointed such committee.

The following communication was received from the secretary of the Territory :

SECRETARY'S OFFICE,

Omaha, Neb., January 8, 1866.

Hon. O. P. Mason, President Council :

Sir—I have the honor to notify you that Wiley B. Dixon, sergeant-at-arms, and Albert Van Camp, page, have taken the required oath.

Respectfully,

A. S. PADDOCK, Secretary.

Mr. Allen, from the committee appointed to wait upon the House, reported that they had discharged that duty.

A committee from the House appeared and invited the Council to meet them in joint convention, and requested the appointment of a committee to act in conjunction with the committee from the House, to wait upon his excellency the governor, and inform him that they were ready to receive any communication he might have to make to them, as soon as agreeable.

Mr. Chapman moved that a committee of two be appointed to wait on his excellency the governor, and inform him that the Council was organized and ready to hear any communication he might have to make,

Which motion was agreed to, and

Messrs. Chapman and Kennedy were appointed said committee.

By unanimous consent the Council took a recess for five minutes.

After recess,

Mr. Chapman, from the committee appointed to wait on his excellency the governor, reported that they had discharged that duty, and that his excellency informed them that he would be ready to meet the Council and House of Representatives in joint convention at 10 o'clock, A. M., to-morrow.

On motion of Mr. Miller,

The Council adjourned until a quarter before 10 o'clock to-morrow morning.

TUESDAY, JANUARY 9, 1866.

Council met pursuant to adjournment.

President in the Chair.

Prayer by the chaplain.

Roll called.

Absent—Mr Bayne.

Mr. Allen moved that the Council proceed to meet the House in joint convention,

Which motion was agreed to, and

The Council proceeded in a body to the hall of the House of Representatives.

JOINT CONVENTION

Of the Legislative Assembly of the Territory of Nebraska.

HALL OF THE HOUSE OF REPRESENTATIVES,

Ten o'clock, A. M., January 9, 1866.

Mr. Mason, President of the Council, in the Chair, called the joint convention to order.

Mr. Chapman, of the Council, moved that a committee of five, consisting of two on the part of the Council, and three on the part of the House, be appointed to wait on his excellency the governor, and inform him that the Council and House of Representatives are now in joint convention, and ready to receive any communication which he may have to make,

Which motion was agreed to, and

The following named gentlemen were appointed by the Chairman as such committee :

On the part of the Council—Messrs. Chapman and Porter.

On the part of the House—Messrs. Maxon, Drexel and Lake.

On the return of the committee,

Mr. Chapman, in behalf of said committee, reported that they had performed the duty assigned them, and that his excellency would communicate with the convention in person in a few moments.

Hon. A. Saunders, governor of Nebraska, then appeared at the speaker's desk and delivered the following message :

Gentlemen of the Council and House of Representatives :

Our deep and heartfelt gratitude is due to that Almighty Power which has bestowed upon us such varied and numerous blessings throughout the past year. The general health of the Territory has been excellent; our harvests have been bountiful beyond all former precedents, and a thrifty prosperity prevails throughout our borders. Labor finds abundant employment, and remunerating rewards—social order prevails among our people, and the laws are obeyed with alacrity and willingness.

Soon after the close of your last session the great rebellion which had convulsed the country for more than four years, was happily terminated by the defeat and overthrow of the armies of the insurgents, and it is cause for sincere thankfulness to the great Disposer of the destinies of nations and of men, that civil strife and fraternal war have given place to universal peace throughout the limits of our beloved country.

INDIAN WAR.

I regret, however, to have to announce to you that the Indian war upon our western border, to which I adverted in my last annual message, still continues.

It was hoped that with the close of the rebellion these troubles would cease; but this hope has proved groundless. Emboldened by success, the savage tribes who have committed these outrages upon the lives and property of emigrants, and upon the Overland Stage Line and Pacific Telegraph, have become exceedingly reckless and daring in their murderous forays; and outrages the most atrocious and wanton in their character are of frequent occurrence. Nothing will, in my judgment, give us peace upon the plains, but the employment of the most vigorous measures to hunt out and severely punish the authors of these outrages. And I trust and believe, from the information in my pos-

session, that it is the purpose of the general government early in the coming spring to send a force against them sufficient to compel them to sue for peace, or drive them from all the great lines of travel between the Missouri River and the Rocky Mountains. Should you deem it either necessary or expedient to memorialize the War Department on this subject, it will afford me great pleasure to co-operate with you in such a measure. Surely the interests involved are of sufficient magnitude and importance to warrant the general government in making a vigorous and adequate effort, at whatever cost, to restore peace upon the plains and afford protection to the immense commercial interests which have grown up within the last few years between the people of the Pacific and the Atlantic States.

PAY OF MILITIA.

By an act passed at the last session of the Legislative Assembly, the governor of the Territory was authorized and requested to dispose of the bonds issued by the Territory to provide means for the payment of the militia called into service to repel hostile Indians during the summer of 1864. In discharging the duty thus devolved upon me I disposed of these bonds upon terms which I believe to be advantageous to the interests of the Territory. A detailed report of the sale of these securities has been made to the Territorial auditor, as provided by law. It will be laid before you in the report of that officer.

Nearly all of the claims growing out of the service referred to, have already been paid. A few have been suspended in consequence of a difference of opinion between the claimants for the service of horses, and the paymasters appointed under the act, in reference to the proper construction of section five of the act. Several parties claimed payment for the services of their animals up to the time of their loss or death, and that they were also entitled to the appraised value of their horses when they entered the service. The paymasters gave to the law a different construction, and hence several claims have been suspended, and remain unsettled. This subject may require some further legislation—at least so far as to define the intent and meaning of the act in the section to which I have alluded.

This money should rightfully be refunded to the Territory by the general government. The services performed were for the government quite as much as for the Territory, and if the subject be properly represented to Congress, as I doubt not it will be, I feel very confident that the amount will be refunded to the Territory.

FINANCES OF THE TERRITORY.

The reports of the Territorial auditor and Territorial treasurer are herewith submitted. From the report of the auditor it will be seen that the whole amount of the outstanding debts of the Territory on the 25th day of December, 1865, was \$91,767 80.

This includes the debt of \$36,000 of bonds, and \$1,800 of interest on same, issued under instructions of the Legislature, to pay the militia troops called out to protect our frontier in the summer and fall of 1864. This sum, as I have before remarked, is justly due to the Territory from the United States, but until it is assumed by Congress it must stand as an indebtedness of the Territory, and must of course be provided for as are other debts. When we deduct this sum from the aggregate debt, it leaves a balance of \$53,967 80 as the whole amount of the outstanding debt; or \$3,891 56 less than the amount due in 1864.

The amount of the resources to meet the above, after deducting the sum of \$2,664 30, which is charged by the auditor as due from the government for expenses incurred by the Territory on account of the Pawnee war, and which I do not consider as available, is \$91,945 70, or \$177 90 over the whole of its liabilities.

This statement must prove very satisfactory to the tax payers of the Territory. For, if the general government should assume the payment of the military debt, our resources will be, to that amount, in excess of our liabilities, and will justify the next Legislature in reducing the rate of taxation now assessed against our people. I call your special attention to the many valuable suggestions made in the able report of the Territorial auditor, and also to those of the territorial treasurer—especially to that part alluding to the issuing of warrants by parties whose responsibility and whose signatures are wholly unknown to him. All warrants upon the treasurer for territorial funds should be issued by the auditor, and with whom the statement of the account should be filed.

ADJUTANT GENERAL'S REPORT.

Owing to the great difficulty experienced by the adjutant general in obtaining proper information to enable him to make a full report in regard to the troops now in the field, and of those who have been mustered out of the service, he has not been able to present his annual report. I am assured, however, that everything is being done by that officer to collect together all the information properly belonging to his department, and that his report will be submitted some time during your present session.

INSANE OF THE TERRITORY.

At the last session of the Legislative Assembly an act was passed authorizing the governor of the Territory to communicate with the trustees of the Iowa Hospital for the Insane, and, if possible, to make a contract for the reception into that institution, and treatment of all insane patients sent from our territory. In compliance with these instructions I met the trustees of the hospital, and am gratified in being able to inform your honorable body that an agreement was entered into, by which the insane of Nebraska are to be received and treated in that institution upon precisely the same terms as those of

Iowa. This contract is to continue so long as there is room in the hospital, after the trustees shall have first provided accommodations for the insane of their own State. There have been sent to the hospital from the Territory, nine patients, from the following counties: one from Nemaha, two from Otoe, one from Cass three from Sarpy, and two from Douglas. One patient has been cured and returned to her friends; and from letters recently received from the superintendent of the hospital, I am gratified to learn that one or two others are convalescent, and will, in all probability, soon be restored to their friends. The result of your action thus far, in this matter, must be highly gratifying to every humane and intelligent citizen. The act making provision for sending patients to the hospital is in some respects imperfect, and some further legislation may be necessary to render it effective.

A REVISION OF THE LAWS.

During your last session you passed an act authorizing and requiring the governor to appoint some suitable person to revise all the general laws of Nebraska. Hon. E. Estabrook was selected to perform this work. It being made the duty of the governor to examine the same, and if found faithfully executed, to issue a certificate accordingly, before payment could be made for the service, and being desirous that justice should be done the Territory, I called to my assistance in the examination, Hon. B. E. B. Kennedy, a member of the Council, and Hon. Geo. B. Lake, a member of the House of Representatives, and these gentlemen, after a full examination of the work, concurred with me in opinion that the requirements of the act had been faithfully complied with on the part of the commissioner. I have the honor herewith to submit the report, and if you should be satisfied that the work has been faithfully and satisfactorily performed, you will no doubt regard it for the interest of your constituents to cause it to be published, so that all the existing general laws may be embodied in one volume. The wants of the people seem to require this. It should be within the aim of every legislator to place within the reach of every citizen of the Territory the laws which he is required to obey.

HOMESTEAD LAW.

In calling your attention, at the last session, to the homestead law, I recommended that you memorialize Congress to prohibit the sale of the public lands to any except such as shall make proof that they propose to acquire them for the purpose of actual settlement and cultivation. I cannot too strongly urge this subject upon your attention at the present session. The object of the law was evidently to open up the public lands to the cultivators of the soil, free of charge, except the small sum necessary to pay the actual expense of survey, &c. Under the present law, which allows speculators to enter all the lands they may desire, those seeking homesteads are often deterred from taking them, fearing that as soon as they shall have made valuable improvements, thus enhancing the value of the adjacent lands, that speculators will at once

purchase all the better portions in the vicinity, and thus deprive these pioneer settlers of the advantages of neighbors. The true policy of the general government is to give these lands to the landless, and to confer homes upon the homeless, and the legislatures of the new States and Territories should continue to memorialize Congress on this subject (as they did for the passage of the homestead law,) until their prayer shall be granted. So numerous are the letters sent to my office making inquiries relative to the homestead law, that I deem it proper to state that, in this connection, for the benefit of such as may not be fully instructed as to who may be the recipients of the favors of the government in this particular, that the following, taken from the law itself, will be a sufficient answer to the main questions so often propounded by the people of the Territory, and also by many in the States, who desire to become citizens with us:

The law says "That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his declaration of intention to become such, as required by the naturalization laws of the United States, and who has never borne arms against the United States government, or given aid and comfort to its enemies," is entitled to the benefits of this law.

The law further provides that "No person who has served for a period of not less than fourteen days in the army or navy of the United States, either regular or volunteer, under the laws thereof, during the existence of an actual war, domestic or foreign, shall be deprived of the benefits of this act on account of not having attained the age of twenty-one years."

All persons coming within the purview of the above liberal provisions, and who shall reside upon or cultivate the homestead for a period of five years, are entitled to a patent, as in other cases provided by law. The fact that the applicant for the benefit of the homestead law may be the owner of other lands, or that he may have availed himself of the provisions of the pre-emption act of 1841, does not in any manner affect his rights or privileges under the law. A widow who is the head of a family, may also acquire a homestead under this act.

REGISTRY LAW.

I recommend to you for your candid consideration, the propriety of enacting at your present session an amendment to the general election law, so as to require a registration of all legal voters prior to the day of election. Such laws have been for many years in operation in several of the States, and so far as my information goes they have met with the approval of all good, law-abiding citizens. If we would preserve our political liberties we must guard well the ballot box; for in no other way could the rights and liberties of the people be so easily undermined, and finally destroyed, as by allowing impositions to be extensively practiced upon the elective franchise. Fraudulent voting is nothing short of a species of treason—follow it up and give it free scope, and it will

break down and destroy the purest government on earth. There is in my mind no question about the propriety of such a law—as it seeks not to interfere with the rights of any man, but simply to protect the legal voter from having his influence destroyed by impostors.

AGRICULTURE AND AGRICULTURAL FAIRS, &C.

In your work of legislating for the people you cannot be too careful of, and attentive to whatever may conduce to the interests of those who till the soil. Nebraska is emphatically an agricultural country. In her extensive and beautiful valleys and prairies, we have the bank of deposit from whence the wealth, not only of our present population, but of the teeming millions who are hereafter to inhabit our country, must be drawn. Whatever, therefore, you can do to further the interests of the agriculturist, of agricultural societies, or agricultural fairs, should, in my judgment, receive your earnest attention and consideration. In connection with this subject I respectfully invite your attention to the provisions of a bill passed at the second session of the thirty-seventh Congress, entitled “An Act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts.” The bill provides “that there be granted to the several States,” for the purposes hereinafter mentioned, an amount of public lands to be apportioned to each State, a quantity equal to thirty thousand acres for each senator and representative in Congress to which the States are respectively entitled by the apportionment under the census of 1860. This clause, (although the title of the act includes “Territories,”) would seem to exclude all from its benefits except “States.” The act amendatory of the act from which I have quoted, provides however that any State or *Territory* may accept, and shall be entitled to, the benefits of the act referred to, “by expressing its acceptance thereof as provided in said act, within two years from the date of its passage.” This amendatory act was passed on the 14th of April, 1864. From its provisions it is clear to my mind that the Territories are entitled to the advantages of the bill. But while the bill provides that “a portion of the funds arising from the sale of these lands may be expended for the purchase of lands for sites or experimental farms,” yet it expressly provides that “no portion of this fund shall be applied to the erection, preservation or repairing of any *building* or *buildings*.” If in your wisdom you should deem it of sufficient importance to the agriculturalists of the Territory to make an effort to secure this land grant, it will afford me pleasure to do all in my power to assist you in facilitating and perfecting the same.

RAIL ROADS.

In my annual communication to you at your last session, I informed you that the work on the Union Pacific Railroad, from the Capital of your Territory west, was progressing with commendable zeal, and expressed the opinion that before the period of your present meeting, at least fifty miles of the road would

be completed. I am happy to inform you that that prediction has been fully verified by the facts. Already the track has been laid, including side tracks, for a distance of 55 miles, and the graduation and bridging of the road have been fully completed as far west as Columbus, (95 miles distance by line of the road.) Beyond Columbus the graduation has been completed for a distance of twenty-five or thirty miles. I am informed that it is the purpose of the Company to construct the abutments and piers of the bridge over the Loup Fork the present winter. The bridge is already framed, and ready to put up as soon as the mason work can be completed, so that it is reasonable to suppose that at least 150 miles of the road will be ready for the cars within twelve months from this date, and it is not improbable that Fort Kearney may be reached within that period.

The importance of this great national thoroughfare to all the material interests of our Territory—agricultural, commercial, mechanical and financial—must be apparent to every intelligent citizen. As a national enterprize it is equally important. Constituting, as it will when completed, the highway of commerce between two oceans—uniting, as it must, the business interests of New York and Boston with those of San Francisco and Sacramento by a continuous line of railway communication, and shortening, for all practical purposes, the distance between London and Paris on the one hand, and Pekin and Canton on the other, it will make America the very centre of the world's commerce, civilization and progress. The business which has sprung up, as if by magic, between the commercial cities of the East and the vast mining districts of the West, can no longer find adequate accommodation and facilities through the modes of conveyance heretofore employed. The Union Pacific Rail Road, with its numerous branches—all converging at a common point (the 100th meridian of west longitude) within the limits of our Territory—will supply these much needed facilities, both for travel and traffic, and render Nebraska the gateway of commerce, not only for our own country, but for the civilized world. The main line of this great road passes from East to West through the geographical centre of our Territory. Upon the North, Congress has provided for a branch from Sioux City, and to the south of us the same just and liberal policy has endowed two other branches with liberal donations, thus insuring their construction at an early day. one of these branches is the extension of the Burlington and Missouri River Railroad, now permanently located, to run west from Plattsmouth to the 100th meridian; the other is the extension of the Hannibal and St. Joseph Railroad from St. Joseph, in a north-westerly direction, uniting with the main line (in the language of the bill), at the 100th meridian "*in the Territory of Nebraska.*" This last named branch will afford easy facilities for a western connection by mail, to the southern and south-western counties of our Territory. A western extension of the St. Joseph and Council Bluffs Railroad from Nebraska City would complete a connection between all the principal commercial points on the Missouri River, within our Territorial limits and the mining regions of the West, which draw

their supplies almost exclusively from the Missouri river. As such a branch would constitute a feeder to the trunk line, constructed almost exclusively by government aid, there can be but little doubt that upon the proper application Congress would grant to it the same aid which has been so liberally and so wisely extended to the other auxiliary branches.

IMMIGRATION.

While all the Western States, and nearly all the organized Territories have adopted active and efficient measures to impart information in regard to their respective advantages as homes for the people, not only of our own country, but of the old world, the people of Nebraska should not, in my opinion, be idle. Nebraska, as a profitable grain and stock-raising country, has probably no superior in the western country, and yet but little of these advantages is known even among the people of the older States of our own country, much less to the people of Europe, thousands of whom, now that the war is over, are desirous of emigrating to America. Might we not, with a fair prospect of a good return, employ one or more active and intelligent agents, whose sole business it should be to make known the natural advantages of Nebraska to the people abroad. Perhaps, now that a separate bureau for the encouragement of immigration has been established by Congress, and under the management and control of the State Department, it might not be necessary for these agents to leave our own shores. One efficient agent, with headquarters at New York, and furnished with suitable maps and charts, to show where first-class free homesteads could be taken, ought to be sufficient to bring thousands of industrious citizens to our Territory every year. In addition to this, I would advise that a society having for its object the promotion of immigration, be formed, under a charter derived from your honorable body, with its members distributed in different portions of the Territory. Much valuable information might be collected and communicated, from time to time, through this society to the agent, in case you provide for one, and if no such agent be appointed, then the information might be given to the Immigration Bureau at Washington City.

GEOLOGICAL SURVEY.

In a former communication to your honorable body, I recommended for your consideration the propriety and importance of providing by law for a geological survey of the Territory. I repeat my former recommendation to the Legislative Assembly at its present session, with the expression of the hope that a measure so important to all the varied interests of our people will not be longer delayed. If our financial condition will not warrant a general survey of the entire Territory at the present time, I respectfully suggest the propriety of making provision for such partial survey as will be most likely to develop our mineral resources with the smallest possible cost to the treasury. The whole subject is respectfully referred to you for your careful consideration and dis-

passionate action, in the confident belief that you will give it such attention as its surpassing importance demands.

HASTY LEGISLATION.

I called your attention, at the last session, to the growing evil of hasty and inconsiderate legislation, and was gratified at the improvement in this particular, observable at that session. There is another subject intimately connected with this, to which I wish to invite your attention. I allude to the practice of providing that nearly every law, both general and special, "shall take effect from and after its passage." Weeks, and perhaps months, must necessarily elapse before the laws can be printed and distributed throughout the Territory; and the consequence is that the people are required to respect and obey laws which they have had no opportunity to see or understand. I would suggest the propriety of making all laws take effect at some fixed day after the close of the session. If it be deemed important that any of the laws should take effect immediately after their passage, a provision might be made for the publication of such in one or more newspapers of the Territory. I deem it unnecessary to press this view of the subject upon your consideration. Its justice and propriety cannot fail to commend it to your approval. Indeed, strict justice to your constituents would seem to demand a change from the former practice in this particular.

STATE GOVERNMENT.

Now that the great rebellion has been put down, and peace once more restored to our country, the subject of a change of government from a Territorial to State is being freely discussed by our people. Nevada, with a much less permanent population than Nebraska, has already become one of the independent States of the Union, and the people of Colorado have also made and adopted a State constitution, and in all probability will be admitted into the family of States within a very few days. The question with the people of a Territory should not simply be "Shall we change our form of government?" but, "Is it for the *best interests* of her people for her to be admitted as a State?" This question answered in the affirmative, and the people of all parties would be interested in making the change.

The argument against the change of form of government, is that it would require more money to be paid by the people of the Territory to support a State government than that of a Territory, for the reason that the salaries of such Territorial officers as are appointed by the national administration are now paid out of the United States Treasury, and also a great portion of the legislative expenses. The next question would naturally be, "How much does this amount to?" In Nebraska it amounts to somewhere between twenty and twenty-nine thousand dollars. The latter sum is the highest amount appropriated by Congress, and of course, the expenses cannot exceed that sum. Now, if biennial sessions of the Legislature be provided for instead of annual, as at

present, (and nearly all the Western States have adopted this course,) nearly one-half of this sum could be saved to the State. Consequently, the additional sum to be paid by the State ought not to exceed at the outside figure, the sum of twenty thousand dollars per annum. Now, leaving out of view all the advantages of increased influence that a State always has over a Territory, let us see whether in a pecuniary point we would not be benefited by the change.

At present, the funds with which our public schools are supported, are raised by a direct tax upon the people of the Territory. The sum assessed for 1865 for this purpose, as will be seen by the report of the School Fund Commissioner, is over twenty-six thousand dollars—a greater sum of itself than would be required to pay the additional expense of a State government. And I am informed by that officer that it is his firm conviction, after examining the subject closely, that the income from the sales and rents of the 16th and 36th sections of land to which our State would be entitled, and the five per cent. in cash of the net proceeds of the sales of our public lands, would more than pay the expenses of supporting the public schools without taxing the people a single dollar. In this one item, then, we would have the whole amount of our additional expense saved to the State. But this is only a small part of the appropriations that would be made to the State. She would at once be entitled to the seventy-two sections of land, with the proceeds of which to build up and endow a State University; 50,000 acres of land for the erection of a State Penitentiary; a large appropriation for the erection of a State capitol building; 90,000 acres would be donated to support an agricultural college, and seventy-two sections, or over 46,000 acres, for the erection of machinery for the manufacture of salt. This last item alone, if properly applied, ought to go far towards defraying the whole expense of an economical State government. In addition to these donations, we might reasonably expect to receive the usual grants of land, given to new States for internal improvements, and the swamp land, for the improvement of the counties. These lands would, in my opinion, if judiciously selected now, while first class lands are subject to be taken under such grants, more than compensate the State for all the extra expense she can reasonably be subjected to, in consequence of the change of form of government.

While I have called your attention to a few of the advantages which I believe would grow out of a change of government, and while I have the assurances of many of the most intelligent and influential men of both political parties that the people of the Territory are anxious to have this subject acted upon at as early a day as practicable, yet I would in no wise wish to be understood as urging this subject upon you, or in any way dictating in what manner you shall proceed to present the subject to the people. A constitution, by whatever body, or by whomsoever made, whether by the Legislature, or by a constitutional convention, ought and must, before it takes effect, be submitted to a fair and direct vote of the people, so that they can have the opportunity to adopt or reject it, as they may think best. With this safe-guard left in their

hands, you will, of course, feel yourselves privileged to take such action on the subject as you may feel assured will agree with the wishes of your constituency. I have no hesitancy, however, in giving it as my candid opinion that the resources of Nebraska would be sooner developed, and her wealth and population increased by becoming a State, than if she remains as a Territory.

THE RETURN OF PEACE.

I cannot, in justice to my own feelings, conclude this communication without requesting you to unite with me in thanksgiving and praise to the great Ruler of nations for the return of Peace and all its concomitant blessings. The complete triumph of our national armies and navies, over the most gigantic rebellion that ever existed, although deemed by so many of the opponents of our government at home, and leading statesmen of Europe, to be an impossibility, was not to me unexpected. At your last annual meeting, I took occasion to say that "This war for the preservation of our national life, although protracted through more than three years of bloody strife, is at length happily drawing to a close; and recent events would seem to indicate, with almost mathematical certainty, that the end cannot be far in the future. Slowly, but steadily and surely, the union armies are exhausting the strength and resources of the rebel forces. Their lines are being rapidly contracted—their ranks decimated, beyond the possibility of recuperation, and the spirit of the misguided masses has been broken. To-day, the so-called Confederacy cannot rightfully claim to control one-half of the territory embraced within its limits at the commencement of the rebellion. Our armies and navies almost encompass them, while one of our greatest generals, with his victorious columns, has marched through the very heart of the Empire State of the South, from the interior to the coast, and captured the most populous and important commercial city in the rebellious district, almost without opposition. These significant facts leave no room to doubt that at an early period the supremacy of the constitution and the laws will be restored in every portion of the country—thus establishing human liberty alike in the South and North, and vindicating the capacity of the people for self-government."

This prediction has been happily fulfilled. Our flag, the emblem of the unity, justice, power and glory of the nation, now floats in triumph over every part of the republic. Every foot of our national territory has been preserved intact. The supremacy of the constitution and laws is acknowledged by all the inhabitants. But this great boon has been secured at a fearful cost of blood and treasure. The sacrifice necessary to achieve these great results, has no parallel in the history of the world. Hundreds of thousands of our noblest and bravest fellow-citizens have laid down their lives that the nation might be preserved; and just at the moment when the noble chieftain, Abraham Lincoln, who had borne aloft the banner of universal freedom from the inception of the terrible conflict until its close, had witnessed the triumph of the cause, and had "finished the work" committed to his hands, he was stricken down by the

hand of the assassin, and sealed with his blood his devotion to his country and to the rights of man. But, great as has been the sacrifice—deep and heartfelt as has been the universal sorrow at the loss of our fallen heroes—it will be regarded in all the future as not too much when compared with the results which it has achieved. The constitution, the great charter of civil and religious liberty, has been vindicated—oppression and wrong have been overthrown, and the great fact has been demonstrated that republican institutions can withstand successfully every opposing force which can be arrayed against them. Popular government is no longer an experiment. “Deriving its just powers from the consent of the governed,” it is proof alike against “dangers from without and convulsions from within.” Having thus passed through the Red Sea of disaster which menaced us, and for a time threatened to engulf and overwhelm the fair fabric of Justice and liberty reared for us by our fathers, may we not hope that our glorious Union will be perpetual, and dispense its blessings for all future time to the oppressed and down-trodden who may seek an asylum in this land of liberty and equal justice from the tyrannies of the Old World?

And while we are rejoicing over the blessings secured to us by the noble deeds of our devoted and daring soldiers, let us not forget the widows of the fallen, orphan children, dependent parents, and maimed and battle-scarred companions in arms, who still live with us to remind us of the illustrious dead, whose ashes, through our neglect, must not be permitted to be disturbed by the widow’s wail, or the orphan’s moan.

In conclusion, allow me to express my desire to cordially co-operate with you in perfecting whatever measures your wisdom may devise for the public welfare; to wish for you and your families, whether present or absent, one and all, continued health, and every social enjoyment consistent with a faithful performance of your official duties, during your sojourn at the Capital; and, at the conclusion of your arduous labors, a safe return to your respective homes.

ALVIN SAUNDERS.

After the reading of the governor’s message,

Mr. Megeath, of the House of Representatives, moved that the convention take a recess for fifteen minutes,

Which motion was agreed to.

After recess,

The chairman called the joint convention to order.

Mr. Allen, of the Council, moved that the joint convention of the Council and House of Representatives adjourn without day,

Which motion was agreed to.

The Council then returned to their chamber.

And the journal of yesterday was read and approved.

Mr. Mason presented a petition from Nancy Pearman and H. W. Pearman.

citizens of Otoe county, praying for the opening of an alley in block 26, in Nebraska City.

Mr. Holladay moved to refer the petition to a committee of two, consisting of the Councilmen from Otoe county,

Which motion was agreed to.

Mr. Chapman offered the following resolution:

Resolved, That the thanks of the Council are due, and are hereby tendered to Rienzi Streeter, Esq., for his gentlemanly deportment, and for the very faithful and efficient manner in which he has discharged his duties as clerk of this body, during its temporary organization.

Mr. Chapman moved to suspend the rules and pass the resolution now.

No objection being made,

The resolution was taken up, and passed unanimously.

Mr. McCasland offered a resolution as follows:

Resolved, That it is the sense of this body that the seat of Hon. Oliver P. Bayne, as Councilman from Richardson county, in this body, is vacant, and that Hon. George Faulkner be admitted to a seat in this body, to fill such vacancy.

Mr. Bennet moved to suspend the rules, and take up the resolution now.

Mr. Chapman objected.

By a vote of two-thirds of the members, the rules were suspended.

The president decided that the vote adopting the report of the committee on credentials, must be reconsidered before the resolution could come before the Council, and that the resolution was out of order.

Mr. Bennett moved that the matter of the contested seat of O. P. Bayne be referred to a special committee of three,

Which motion was agreed to.

Messrs. Bennet, Chapman and Miller were appointed such committee.

Mr. Kennedy moved that the committee be instructed to report as soon as possible.

Which motion was agreed to.

Mr. Allen offered the following resolution:

Resolved, That the chief clerk procure the printing of ——— copies of the governor's message in the English language, and ——— copies in the German language, for the use of the Council at the earliest possible moment.

Which resolution was laid over under the rule.

Mr. Miller moved to adjourn until to-morrow, at 10 o'clock, A. M.

On division, the ayes were four; the nays four. The president voted aye, and the Council adjourned until to-morrow morning at 10 o'clock.

WEDNESDAY, JANUARY 10, 1866.

Council met pursuant to adjournment.

President in the chair.

Prayer by the chaplain.

Roll called :

Absent—Messrs. Allen, Bayne, and Miller.

Journal of yesterday read and approved.

Mr. Chapman, from the special committee on the contested seat of O. P. Bayne, asked leave for the committee to retire long enough to read over their report before reporting to the Council.

No objection being made,

The committee withdrew, and after a few minutes,

The special committee on the contested seat of Mr. Bayne, returned, and through their chairman, Mr. Bennet, reported as follows :

Mr. President : Your special committee to whom was referred the claim of George Faulkner to a seat in the Council, from the Council district composed of the county of Richardson, respectfully submit the following report :

The seat of the Hon. O. P. Bayne should be declared vacant, in the opinion of your committee, from the fact that the county commissioners of Richardson county certify on oath, "That they have been officially informed that the Hon. O. P. Bayne had removed to the county of Grundy, and State of Missouri, with his family, goods, chattels and effects, with the intention of making that his permanent home, as he himself had declared ;" and farther, from the fact that section 4 of the organic act provides that "Members of the Council and of the House of Representatives shall reside in, and be inhabitants of the district, or county, or counties, for which they may be elected respectively." The act does not say that after a person is elected he shall reside in the district, and that he will not be permitted to change his residence during the term for which he was elected ; neither has your committee any evidence that the Hon. O. P. Bayne has resigned his seat, or right to a seat, in this Council ; yet, as several days have passed since the time fixed by law for the convening of the Legislature, and as the Hon. O. P. Bayne has not made his appearance at this session, to claim his seat ; and as the county commissioners of Richardson county have certified on oath before the county clerk, and over the seal of said county, that they have received "official information" to the effect that O. P. Bayne had declared the abandonment of his district and Territory as his home, and future place of residence, and as the county commisssoners of Richardson county, in accordance with the provisions of section 3 of an act entitled "An Act to provide for Elections," approved February 15th, 1854, declared the seat of the Hon. O. P. Bayne vacant, and ordered a special election to fill such vacancy, and as the certificate of the county clerk of the Council district of said Richardson county certifies that George Faulkner received at said special election a majority of all the votes cast, and as no person from said Council district denies in any way said George Faulkner's right to a seat as Councilman from said district ; your committee respectfully submit the following resolutions :

Resolved, First, That the Hon. O. P. Bayne, for the reasons set forth as above, is not entitled to hold a seat in this body.

Second, That George Faulkner, for the reasons set forth as above, is entitled to a seat in this body as Councilman from the Council district composed of Richardson county.

All of which is respectfully submitted.

JOHN B. BENNET,
J. W. CHAPMAN,
J. G. MILLER.

Mr. Allen moved to suspend the rules and consider the report now,
Which motion was agreed to.

Mr. Chapman moved to adopt the report of the committee,
Which motion was agreed to unanimously, and

The President declared that Mr. Faulkner was entitled, under the resolution, to a seat in this Council as the representative of the Council district composed of the county of Richardson, in place of Hon. O. P. Bayne.

Mr. Kennedy moved that a committee of three be appointed to wait on the secretary of the Territory and request him to administer the oath of office to Hon. George Faulkner,

Which motion was agreed to, and

Messrs. Kennedy, Allen and Blanchard were appointed such committee.

On return of the committee,

Mr. Kennedy, as chairman, reported that their duty had been performed, and that Hon. A. S. Paddock, secretary, was now within the bar.

Hon. A. S. Paddock then administered the oath of office to Hon. George Faulkner, who then took his seat as the representative from the Council district composed of Richardson county, in place of Hon. O. P. Bayne.

Mr. Bennet moved to draw for seats,

Which motion was lost.

Mr. Kennedy offered the following resolution :

Resolved, That until otherwise directed by the Council, the hour of convening each day shall be fixed at 10 o'clock, A. M.,

And moved that the rules be suspended and the resolution passed,

Which motion was agreed to.

Mr. Allen gave notice of

A Bill to change the time of holding the District Court for Washington county, N. T.

Mr. Bennet gave notice of

A Bill to provide for a general herd law.

The resolution offered yesterday by Mr. Allen, as follows :

Resolved, That the chief clerk procure the printing of ——— copies of the governor's message in the English language, and ——— copies in the German language, for the use of the Council, at the earliest possible moment,

Was now taken up.

Mr. Allen moved to perfect the resolution by inserting in the first blank the words "one thousand," and in the second blank the words "two hundred and fifty."

Mr. Chapman moved to insert in the first blank "two thousand," and in the second blank, "one thousand."

Mr. Miller moved to insert in the first blank, "thirty-five hundred," and in the second blank, "fifteen hundred."

A vote was then taken on Mr. Miller's motion to insert "thirty-five hundred" in the first blank,

Which motion was lost.

The question recurring on Mr. Chapman's motion to insert "two thousand" in the first blank,

On division the ayes were 8, and nays 2.

So the motion was agreed to.

The motion to insert in second blank "fifteen hundred," was then withdrawn, and

The question recurring on the motion to insert in the second blank, "one thousand,"

The motion was agreed to.

Mr. Allen moved to adopt the resolution as perfected,

Which motion was agreed to.

Mr. Holladay moved to reconsider the vote inserting "two thousand" in the first blank.

Mr. Allen rose to a point of order—

That the vote by which the whole resolution was passed must first be reconsidered.

The President sustained the point of order.

Mr. Chapman offered the following resolution :

Resolved, That the chief clerk of the Council be directed to procure, under the direction of the secretary of the Territory, the printing, in addition to those already ordered, of (500) five hundred copies of the governor's message in the English language, with accompanying documents appended thereto,

Which resolution was agreed to.

On leave,

Mr. Bennett gave notice of

A Bill to provide for a Vagrant Law for Otoe county.

The President announced the following standing committees :

On Judiciary—Messrs. Kennedy, Allen and Griffey.

On Finance—Messrs. Porter, Miller and McCasland.

On Education—Messrs. Miller, Holladay and Bennet.

On Federal Relations—Messrs. McCasland, Holladay and Blanchard.

On Military Affairs—Messrs. Faulkner, McCasland and Porter.

On Highways, Bridges and Ferries—Messrs. Blanchard, Albertson and Faulkner.

On Expenditures—Messrs. Miller, Chapman and Porter.

On Corporations—Messrs. Chapman, Holladay and Kennedy

On Library—Messrs. Griffey, Miller and Albertson.

On Public Buildings—Messrs. Allen, Holladay and Albertson.

On Elections—Messrs. Albertson, McCasland and Chapman.

On Counties—Messrs. Allen, Faulkner and Blanchard.

On Printing—Messrs. McCasland, Allen and Bennet.

On Agriculture—Messrs. Bennet, Miller and Holladay.

On Enrolled and Engrossed Bills—Messrs. Holladay and Griffey.

Mr. Allen moved that the Council resolve itself into committee of the whole on the governor's message,

Which motion was agreed to, and

The Council went into committee of the whole,

Mr. Allen in the Chair.

After spending some time in committee of the whole, the committee rose, and through their chairman, Mr. Allen, made the following report, and recommended its adoption :

That so much of the governor's message as relates to the Indian war, pay of the militia, finances and insane of the Territory, be referred to the committee on finance.

The revision of the laws, and hasty legislation, to the committee on judiciary.

The adjutant general's report, to a special committee consisting of Messrs. Porter and Chapman.

The homestead law, and agriculture and agricultural fairs, to the committee on agriculture.

The registry law, to committee on elections.

Immigration and geological survey, to the committee on federal relations.

The railroads, to a special committee consisting of Messrs. Bennet, Miller and Kennedy.

State government, to a special committee consisting of Messrs. Chapman, Bennet and Porter.

The return of peace, to a special committee consisting of Messrs. Holladay, Miller and McCasland.

Mr. Chapman moved that the report of the committee of the whole be adopted,

Which motion was agreed to.

On motion of Mr. Kennedy,

The Council now adjourned until 10 o'clock to-morrow morning.

THURSDAY, JANUARY 11, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Messrs. Allen, Chapman and Miller.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy offered the following resolution :

Resolved, That the representatives of the several papers of the Territory be admitted to the reporters' seats in this Hall.

Mr. Allen moved to suspend the rules, and take up the resolution.

Which motion was agreed to.

The rules were suspended, and the resolution was adopted.

Mr. Griffey gave notice of

A bill relative to the official bonds of the Probate Judge of Leau-qui Court county.

Mr. Mason moved that the Council take a recess for three-quarters of an hour.

Which motion was agreed to.

And the Council took a recess at 10:45 A. M.

After recess, 11:30 A. M.

Council called to order.

President in the chair.

The commissioner appointed by the governor to codify the laws of Nebraska, through his excellency, the governor, submitted his report, together with the collation of the laws.

Mr. Griffey, by unanimous consent, introduced Council File No. 1.

A *Joint Resolution*, to provide for the appointment of a joint committee, on the part of the Legislative Assembly, to consider the revision of the laws.

On motion of Mr. Chapman,

The rules were suspended, and the joint resolution read 1st, 2d and 3d time, and passed, and title agreed to.

Mr. Miller moved that the Council now adjourn,

Which motion was agreed to.

FRIDAY, JANUARY 12, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll call.

Absent—None.

Prayer by the chaplain.

Journal read and approved.

Mr. Griffey, on leave, introduced Council file No. 2.

Memorial and joint resolution, relative to State government.

Read 1st time.

Mr. Faulkher gave notice of

A bill relative to the pay of county commissioners.

Mr. Allen introduced Council file No. 3.

An Act, changing the time of holding the district court in the county of Washington.

Rules suspended, and bill read 1st and 2d times, and referred to committee on judiciary.

The president appointed the judiciary committee on the part of the Council, to act with a committee on the part of the House, for the revision of the laws.

Mr. Holladay moved that Mr. Mason be added to such committee.

The president held,

That the committee, being appointed under a joint resolution, which had passed beyond the control of the Council, the number of the committee could not be changed.

The following message, from the House, by their chief clerk, Mr. May, was received :

Mr. President: I am instructed to inform your honorable body that the House has passed H. F. No. 3, "joint resolution for providing the members of the Legislative Assembly with newspapers." And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

Mr. Allen raised the point of order, that after the proper order of business had been passed, a bill from the House could not be acted on without a suspension of the rules.

The President decided that any bill, or memorial, from the House, received at any hour of session, was in order.

Mr. Kennedy, on leave, introduced C. F. No. 4, a bill for an act to adopt the revision of the laws.

Mr. Chapman moved that leave be granted the commissioner on the codification of the laws to withdraw his report for a short time.

Which motion was agreed to.

Mr. Allen moved that the Council take a recess for an hour,

Which motion was agreed to.

Council took a recess at 10:25 A. M.

After recess,

The President called the Council to order at 11:25 A. M.

Message from the House, by Mr. May, their chief clerk :

HOUSE OF REPRESENTATIVES,

January 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed Council File No. 1, joint resolution to provide for the appointment of a joint committee on the part of the Legislative Assembly, to

consider the revision of the laws, without amendment, and return the same herewith.

And further, that the House has appointed as a committee, on their part, under said joint resolution, Messrs. Lake, Brown, Thorn, Clarke, Crounse and Cadman.

GEORGE MAY,

Chief Clerk of House.

Mr. Kennedy moved the rules be suspended, and the report of the Commissioner, and C. F. No. 4, a bill for an act to adopt the revision of the laws, be read first and second time, and referred to joint committee,

Which motion was agreed to.

House File No. 3,

Joint Resolution for providing members of the Legislative Assembly with newspapers.

Read first time.

Rules suspended, and bill read second time.

Mr. Chapman moved to refer the bill to its appropriate committee. On division,

Motion was lost.

Mr. Chapman moved a call of the House.

Which motion was agreed to, and call ordered.

Roll call.

Absent—Mr. Holladay.

Mr. Chapman moved that the Sergeant-at-arms be dispatched after absentees,

Which motion was agreed to, and

Mr. Holladay appeared within the bar.

On motion of Mr. Allen,

All further proceedings under the call were dispensed with.

Mr. Allen moved that the Council go into committee of the whole, on House File No. 3,

Which motion was agreed to, and

Council went into committee of the whole.

Mr. Allen in the chair.

After some time, the committee rose, and by Mr. Allen, their chairman, reported the joint resolution back to the Council, and recommended its indefinite postponement.

On motion, the report of the committee was adopted, and the resolution was indefinitely postponed.

Council took a recess for 10 minutes, by unanimous consent, at 12:20 P. M.

After recess,

President called the Council to order at 12:30 P. M.

Mr. Kennedy moved that the Council adjourn until Monday morning, at 10 o'clock,

Which motion was agreed to.

MONDAY, JANUARY 15, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—Messrs. Allen, Blanchard and Miller.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy, from the joint committee on revision of the laws, C. F. No. 4, made the following report:

Mr. President: The joint committee on the revision of the laws, C. F. No. 4, having had the same under consideration, have instructed me to report to this body the action of the committee upon so much as is embraced in part first, chapter first, of such revision, under the head of "Agriculture."

This chapter includes

An Act to establish a Territorial board of agriculture, approved October 14, 1858.

An Act amendatory of the aforesaid act, approved February 13, 1865.

An Act for the encouragement and protection of live fences, approved November 4, 1858.

An Act concerning inclosures, trespassing animals and partition fences, approved February 13, 1857.

An Act to regulate inclosures and partition fences, approved January 13, 1860.

An Act to encourage Agricultural pursuits in the Territory of Nebraska, approved January 12, 1860.

An Act concerning horses and other animals, approved March 2, 1855.

An Act to restrain buck sheep from running at large between the 15th of July and the 15th of November, in each year, approved February 12, 1864.

An Act to provide for the protection of sheep, and for destroying wolves and wildcats, in the Territory of Nebraska, approved February 7, 1865.

The committee has excluded

An Act concerning inclosures, trespassing animals, and partition fences, approved February 13, 1857, and

An Act concerning horses and other animals, approved March 2, 1855;

For the reason that the same have been substantially re-enacted.

The balance, with such changes as the committee have deemed necessary, are herewith submitted in the form of a chapter, to constitute chapter first, of part first, of the Code of Nebraska; to be entitled Agriculture.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy, from the committee on judiciary, made the following report:

Mr. President: Your committee to whom was referred C. F. No. 3, "A Bill

for an act changing the time of holding the district court in the county of Washington," report without amendment, and recommend its passage.

B. E. B. KENNEDY.

Mr. Faulkner introduced Council file No. 5, a bill for an act to regulate the pay of county commissioners.

Read first time.

Council file No. 2,

Memorial and joint resolution relative to State government.

Read second time.

Mr. Bennet moved to refer the memorial and joint resolution to an appropriate committee.

Motion agreed to, and

Resolution referred to committee on federal relations.

Council file No. 3,

A Bill for an act changing the time of holding the district court in Washington county.

Read third time and passed, and rule agreed to.

Mr. Kennedy moved that the Council go into committee of the whole on the report of the committee on the revision of the laws.

Motion was agreed to, and

The Council resolved itself into committee of the whole,

Mr. Kennedy in the Chair.

After some time the committee rose and through their chairman, Mr. Kennedy, made the following report on part one, chapter one, of revisors' report, Council file No. 4 :

Mr. President: The committee of the whole house have had under consideration part one, chapter one, of C. F. No. 4, title Agriculture, and have directed me to report the same to the Council with the following amendments, and recommend its adoption as amended.

Mr. Holladay moved to adopt the report,

Which motion was agreed to.

Mr. Allen moved that part one, chapter one, C. F. No. 4, as amended, be engrossed for a third reading to-morrow,

Which motion was agreed to.

Mr. Kennedy moved that the Council now adjourn,

Which motion was agreed to,

And the Council adjourned.

TUESDAY, JANUARY 16, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—Messrs. Allen and Kennedy.

Council file No. 5,

Prayer by the chaplain.

Journal read and approved.

A Bill for an act to regulate the pay of county commissioners, taken up.

Read second time, and

Referred to committee on judiciary.

Mr. Kennedy, from the committee on revision of laws, made the following report :

Mr. President: The committee on the revision of the laws have had under consideration chapters second and third of the revisors' report, C. F. No. 4, relative to 'apportionment and attorneys, and have directed me to report the same to the Council, and recommend that said chapters be adopted.

B. E. B. KENNEDY,
Chairman.

Mr. Allen moved to suspend the rules and consider the report now,
Which motion was agreed to.

The Council now resolved itself into committee of the whole,
Mr. Kennedy in the Chair.

After some time the committee rose, and through Mr. Kennedy, their chairman, made the following report :

Mr. President: The committee of the whole house have had the report of the select committee on the revision of the laws, relative to apportionment and attorneys, chapters second and third, C. F. No. 4, and direct me to report the same back to the Council with sundry amendments, and recommend its adoption as amended :

Sec. 4, amended by striking out the words, "so help me God," and insert "and shall further take and subscribe the oath prescribed by the laws of the United States relating to attorneys."

Sections twenty-two and twenty-three stricken out.

All which is submitted.

B. E. B. KENNEDY,
Chairman.

Mr. Chapman moved that the report be adopted,
Which motion was agreed to, and
The report of the committee of the whole was adopted.

Mr. Chapman moved that the chapters under consideration be ordered engrossed for a third reading to-morrow,
Which motion was agreed to.

Mr. Porter moved that the Council now take a recess for thirty minutes,
Which motion was agreed to, and
Council took a recess at 11:50 A. M.

After recess,

The President called the Council to order at 12:20 P. M.

Mr. Kennedy, from the committee on judiciary, on leave, made the following report:

Mr. President: Your committee on the judiciary have had under consideration C. F. No. 5,

"A Bill for an act entitled an act to regulate the pay of county commissioners,"

And direct me to report the same back without amendment,

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy, from the joint committee on the revision of the laws, on leave reported as follows:

Mr. President: Your committee on the revision of the laws have had chapter four of the revisors' report, C. F. No. 4, entitled, "Auditor, school commissioner and Territorial treasurer," and report the same back to the Council with amendments, and recommend its adoption as amended.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy moved to suspend the rules and consider the reports now.

Mr. Griffey moved that C. F. No. 5, "A bill for an act entitled, an act to regulate the pay of county commissioners," be considered in Council,

Which motion was agreed to.

Mr. Kennedy moved to read C. F. No. 5, a third time now, and put it on its passage,

Which motion was agreed to.

Council file No. 5 read third time and passed, and title agreed to.

The Council now resolved itself into committee of the whole on the report of the joint committee on the revision of the laws,

Mr. Kennedy in the Chair.

After some time the committee of the whole rose and through Mr. Kennedy, their chairman, reported as follows:

Mr. President: The committee of the whole house have had under consideration chapter four, C. F. No. 4, entitled, "Auditor, school commissioner and Territorial treasurer," and direct me to report the same to the Council with sundry amendments attached, and recommend the same be adopted as amended.

B. E. B. KENNEDY,

Chairman.

Amendments:

Strike out all of second and third lines after the word "report," and insert in lieu thereof "to the governor of the Territory at least twenty days before the commencement of each regular session of the Legislative Assembly."

Strike out the words "nine hundred," section twelve, and insert in lieu thereof the words "one thousand."

Also, add new section No. 29, as follows:

Sec. 29. The fiscal year shall commence on the first day of December in each year, and end on the thirtieth day of November in each year.

Mr. Griffey moved to adopt the report.

Mr. Allen moved to amend by accepting report, except the amendment striking out the words nine hundred, and inserting one thousand,

Which amendment was lost.

On motion of Mr. Chapman,

A call of the Council was ordered.

Roll called.

Absent—Mr. Holladay.

Mr. Porter moved to suspend all further proceedings under the call,

Which motion was agreed to.

The question recurring on the motion to adopt the report,

The motion was agreed to, and the report adopted.

Mr. Griffey moved to order chapter four, part one, C. F. No. 4, engrossed for a third reading to-morrow,

Which motion was agreed to, and

The bill ordered engrossed for a third reading to-morrow.

Mr. Griffey, from the committee on enrolled and engrossed bills, reported as follows:

The committee on engrossed and enrolled bills report, the committee have examined part one, chapter one, C. F. No. 4, of the revised code, entitled "Agriculture," and find the same correctly engrossed.

A. S. HOLLADAY,

THOS. L. GRIFFEY.

Mr. Chapman moved to read chapter one, part one, C. F. No. 4, third time, and put it on its passage,

Which motion was agreed to, and

Chapter read third time, passed, and title agreed to.

Mr. Griffey moved to strike out the name of "T. L. Griffey" from the committee on enrolled and engrossed bills, and insert in lieu thereof the name of Mr. Bennet,

Which motion was agreed to.

Mr. Griffey moved that the Council adjourn,

Which motion was agreed to, and

The Council adjourned.

• WEDNESDAY, JANUARY 17, 1866.

Council met pursuant to adjournment.

President in the Chair.

Prayer by Rev. Mr. Miller.

Roll called.

Absent—Mr. Allen.

Journal read and approved.

Mr Mason presented the claims of citizens against Nebraska Territory for property lost and damaged while in the service of the Territory during the Indian campaign of 1864.

Mr. Miller moved to refer the claims to the committee on finance,
Which motion was agreed to.

Mr. Kennedy, from the joint committee on the revision of the laws, reported as follows :

Mr. President—The joint committee on the revision of the laws have had under consideration chapter 5, part 1, C. F. No. 4, and respectfully report the same back to the Council, and recommend its adoption as reported.

B. E. B. KENNEDY,
Chairman.

Mr. Bennet introduced .

Council File No. 6,

A Bill for an act to encourage agriculture, promote the growth of timber, and restrain stock from running at large in the Territory of Nebraska.

Mr. Griffey introduced

Council File No. 7,

A Bill for an act to legalize the act of the Probate Judge of L-eau-qui Court county, and for other purposes.

Mr. McCasland gave notice of

A Bill for an act to incorporate Interior Lodge No. 9, I. O. O. F. in Pawnee City.

Also, gave notice of

A Bill to vacate a part of North Pawnee City.

Mr. Bennet moved to read C. F. No. 6, first and second times, and refer to its appropriate committee,

Which motion was agreed to, and

The bill read first and second times, and referred to committee on agriculture.

Council File No. 7,

A Bill for an act to legalize the acts of the Probate Judge of L-eau-qui Court county, and for other purposes.

Taken up.

Mr. Griffey moved to read the bill first and second times, and refer to its appropriate committee,

Which motion was agreed to.

C. F. No. 7 read first and second times, and referred to committee on Judiciary.

Council now resolved itself into committee of the whole, on chapter 5, C. F. No. 4., revision of the laws.

Mr. Kennedy in the chair.

After some time, the committee rose, and through Mr. Kennedy, their chairman, reported as follows:

Mr. President—The committee of the whole House have had under consideration chapter 5 of the Revisor's report relative to bonds, and have directed me to report the same back to the council with the following amendments, and recommend that the same be adopted as amended.

B. E. B. KENNEDY,

Chairman.

Amendments to chapter 5, sec. 14, amended by striking out all after the word "price," in line 13, to the word "provided," in the 15th line.

Also, strike out all of section 35, down to, and including the word "that," in the 6th line.

Mr. Chairman moved to adopt the report,

Which motion was agreed to.

Chapter 5, part 1st, C. F. No. 4, read three times, passed, and title agreed to.

Mr. Holladay, from committee on engrossed bills, reported

Part 1st, chapter 2d, C. F. No. 4, of the revised code, entitled Apportionments; part 1, chapter 3, C. F. No. 4, of the revised code, entitled Attorneys, correctly engrossed,

A. S. HOLLADAY,

J. B. BENNET.

Mr. Chapman moved to suspend the rules, and consider the report now, Which motion was agreed to.

Council File No. 4, chapters 2 and 3, of part 1, taken up.

Read three times, and

Passed, and title agreed to.

HOUSE OF REPRESENTATIVES,

January 16, 1866,

Mr. President: I am instructed to inform your honorable body that the House has passed Council File No. 3, a bill for an act, changing the time of holding the District Court in the county of Washington, N. T., without amendment.

Also House File No. 6, a bill for an act to repeal an act entitled an act to provide for the erection and incorporation of the Johnson County Seminary.

House File No. 7, a bill for an act to incorporate the Arago Schuetzenverein.

House File No. 10, a bill for an act to authorize Jacob Weber to erect a mill-dam across the Long Branch Creek in Richardson county, Nebraska Territory.

And the concurrence of the Council in the House bills is respectfully requested.

GEO. MAY,

Chief Clerk of the House.

House File No. 6,

A Bill for an act to repeal an act entitled an act to provide for the erection and incorporation of the Johnson County Seminary, taken up, and

Read first time.

House File No. 7,

A Bill for an act to incorporate the Arago Schuetzenverein, taken up, and

Read first time.

House File No. 10,

A Bill for an act to authorize Jacob Weber to erect a mill-dam across the Long Branch Creek in Richardson county, Nebraska Territory, taken up:

Read first time.

Mr. Chairman moved to suspend the rules, and take up House Files Nos. 6, 7 and 10, and read second time, and refer to appropriate committee.

Which motion was agreed to.

House File No. 6, taken up,

Read second time, and

Referred to committee on corporations.

House File No. 7, taken up,

Read second time, and

Referred to committee on corporations.

House File No. 10, taken up,

Read second time, and

Referred to committee on corporations.

Mr. Kennedy, from committee on judiciary, reported as follows:

Mr. President: Your committee on the judiciary ask leave to make the following report:

Your committee have had C. F. No. 7, entitled, a bill for an act to legalize the acts of the Probate Judge of Leau-qui Court county, and for other purposes, under consideration, and have directed me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. Allen moved to suspend the rules, adopt the report, and consider the bill now,

Which motion was agreed to.

Council File No. 7, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

Mr. Allen moved to engross the bill for third reading to-morrow,

Which motion was agreed to.

Mr. Kennedy moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess at 11:25 A. M.

After recess,

President called the Council to order at 11:55 A. M.

Mr. Kennedy, from the committee on the revision of the laws, reported as follows :

Mr. President : Your select committee on the revision of the laws have directed me to report chapters 6, 7 and 8 of C. F. No. 4, of the revisors' report back to the Council, and recommend their adoption.

B. E. B. KENNEDY,
Chairman.

Mr. Porter moved to suspend the rules, and consider the chapters now,
Which motion was agreed to.

Council resolved itself into a committee of the whole.

Mr. Kennedy in the chair.

After some time, the committee of the whole rose, and through Mr. Kennedy, their chairman, reported as follows :

Mr. President : The committee of the whole house have had under consideration chapters 6, 7 and 8 of Council File No. 4, revisors' report, and have denoted me to report the same back with sundry amendments, and recommend the same be adopted as amended.

B. E. B. KENNEDY,
Chairman.

Amendments :

Strike out all of subdivision one, chapter 7.

Add to end of sec. 4, chapter 8, the following : And if like objection shall be made to the coroner by either party, the court shall appoint some suitable person, to whom such objection shall not apply.

Add the following sections :

Sec. 19. The coroner is hereby authorized and required to issue his warrant for any person suspected of having committed the crime of murder, and hold said person on said warrant until the inquest over the body is closed, on a request of a majority of the coroner's jury.

Sec. 20. The verdict of the coroner's jury, charging any person with murder, or manslaughter, shall have the same force and effect as the finding of a bill of indictment by the grand jury, until the same shall have been investigated by a grand jury, and they shall have made their return thereon.

Mr. Chapman moved to adopt the report and amendments, and order the bill engrossed for third reading to-morrow,

Which motion was agreed to.

Mr. Holladay, from the committee on engrossed bills, reported,

C. F. No. 4, part 1, chapter 4, of the revised code, entitled, "Auditor," "School Commissioner and Territorial Treasurer," correctly engrossed.

A. S. HOLLADAY,
J. B. BENNET.

Mr. Griffey moved to suspend the rules, read chapter 4, part 1, C. F. No. 4, by title, and put on its passage.

Which motion was agreed to.

Council File No. 4, part 1, chapter 4,

Read third time by title, passed, and title agreed to.

Mr. Blanchard moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

THURSDAY, JANUARY 18, 1866.

Council met pursuant to adjournment.

The President being absent,

Mr. Porter moved that

Mr. Allen be appointed President, *pro tem.*,

Which motion was agreed to.

Mr. Allen took the chair.

Roll called.

Absent—Mr. Mason.

Prayer by the chaplain.

Journal read and approved.

Mr. Chapman, on leave, introduced

Council File No. 8,

An Act to legalize the location of a Territorial road from the City of Platts-mouth, in Cass county, to intersect the Territorial road in section No. 3, in township No. 9, north, of range 6, east of the 6th principal meridian in Lancaster county, Nebraska.

Mr. Chapman moved to suspend the rules, read C. F. No. 8 by title first and second times, and refer to select committee,

Which motion was agreed to.

Council File No. 8,

Read first and second times, and

Referred to select committee, consisting of

Messrs. Chapman and Miller.

Mr. Kennedy gave notice of

A Bill for an act to incorporate the "Union Transfer Company."

Mr. Bennet, from the committee on agriculture, reported as follows :

Your committee, to whom was referred Council File No. 6, a bill for an act to encourage agriculture, promote the growth of timber, and restrain stock from running at large in the Territory of Nebraska, having had the same under consideration, beg leave to report the same back, with the addition of a new section, to come in immediately after sec. 1, and recommend the passage, with the said amendment.

J. B. BENNET,
A. S. HOLLADAY,
J. G. MILLER.

Council File No. 6, taken up.

Mr. Bennet moved that the bill be printed,

Which motion was agreed to, and

The bill was ordered printed.

Mr. Miller asked leave of absence until next Tuesday morning,

Which was granted.

Mr. Kennedy moved that the Council now take a recess until 11:30 A. M.,

Which motion was agreed to, and

The Council took a recess.

After recess,

The President called the Council to order at 11:30 A. M.

Mr. Chapman, from the select committee on C. F. No. 8, reported as follows :

Mr. President : Your special committee, to whom was referred C. F. No. 8, an act to legalize the location of a Territorial road from the City of Platts-mouth, in Cass county, to intersect the Territorial road, in section No. 3, in township No. 9, north of range 6, east of the 6th principal meridian in Lancaster county, Nebraska, having had the same under consideration, would respectfully refer the same back to the Council, without amendments, and recommend its passage.

J. W. CHAPMAN,

J. G. MILLER.

Mr. Chapman moved to suspend the rules, adopt the report, and order C. F. No. 8 engrossed for a third reading to-morrow;

Which motion was agreed to.

Mr. Holladay, from the committee on enrolled bills, reported that the committee had examined

Joint resolution, to provide for the appointment of a joint committee on the part of the Legislative Assembly, to consider the revision of the laws ;

An Act, changing the time of holding District Courts in Washington county, Nebraska Territory, and find the same truly enrolled.

And after having the same signed by the speaker of the House and President of the Council, and endorsed by the chief clerk of the Council, presented the same to the governor, for his approval, at 11 o'clock this 18th day of January, 1866.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Kennedy, from the joint committee on revision of the laws, reported as follows :

Mr. President : Your committee on the revision of the laws, have had under consideration chapters 9, 10, 11 and 12, Council File No. 4, revision of the laws, and directed me to report the same to the Council, with sundry amendments, and recommend its adoption as amended.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy moved to suspend the rules, and consider the report now,

Which motion was agreed to, and

The Council resolved itself into committee of the whole on report of the joint committee.

After spending some time in committee of the whole, the President of the Council resumed the chair, and received a message from the House of Representatives, as follows:

HOUSE OF REPRESENTATIVES,
January 18, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

Substitute for H. F. No. 4, a bill for an act to authorize the record of certain instruments affecting the title to real estate, and for other purposes.

Also, H. F. No. 8, a bill for an act to authorize Z. J. Parsons to establish and keep a ferry across the Missouri river at Rulo, in Richardson county, Nebraska Territory;

Also, H. F. No. 16, a bill for an act to incorporate the Pittsburg and Platte Valley Mining Company;

Also, H. F. No. 17, a bill for an act to repeal an act to provide for the protection of crops, and destruction of blackbirds, crows and gophers in the counties of Cedar, Dixon and Dakota.

Also, H. F. No. 18, a bill for an act to legalize the acts of commissioners appointed to locate a territorial road from Simpson's Landing, *via* Tekama, in Burt county, to Logan Creek Mill, in Washington county.

Also, C. F. No. 4, part 1, chapter 1, of the revisors' report, with amendments;

Also, C. F. No. 4, chapters 2 and 3, of the revisors' report, with amendments,

And the concurrence of the Council is respectfully requested.

GEO. MAY,
Chief Clerk of House.

Amendments:

To chapter 1 of sec. 20, revisor's report by House, strike out the word "by," five lines from the bottom, and insert the word "for."

Sec. 1, line 20, strike out "half a cent," and insert "two cents."

Sec. 29. Strike out the words, "on testimony of any two fence viewers of the county."

Sec. 34. Strike out the word, "November," in last line, and insert "December" in its place.

Sec. 36. By inserting between the words "of" and "this," in the second line, the words "section thirty-four," and strike out the word "two (2)" in third line, and in place thereof insert "thirty-five."

GEORGE MAY,
Chief Clerk of House.

Amendments by House to chapter two:

Sec. 2. Line twelve strike out the word "Monroe," and after the word "Saline" in line seventeen, insert "Saunders."

Chapter three :

Sec. 11. At the end thereof add "Provided, however, that the Probate Judges may practice in all cases in which they have judicially acted, or in any way been interested by virtue of their aforesaid office."

Sec. 16. Line two, strike out the words "under the first section of this act."

Sec. 19. Strike out "third," in seventh line, and insert "seventeenth."

GEORGE MAY,

Chief Clerk of House.

After which the Council again resolved itself into committee of the whole, and after some time the committee rose, and through Mr. Kennedy, their chairman, reported as follows :

Mr. President: The committee of the whole house have had under consideration chapters nine, ten, eleven and twelve, C. F. No. 4, entitled, "Revision of the laws," and directed me to report the same to the Council with the following amendments, and recommend the adoption of said chapters as amended.

B. E. B. KENNEDY,

Chairman.

Amendments :

Strike out sections one, two, three, four, five, six, seven and nine, in chapter ten, entitled "New Counties."

Mr. Chapman moved to adopt the report of the committee of the whole, with amendments,

Which motion was agreed to.

Mr. Chapman moved that chapters No. nine, ten, eleven and twelve, C. F. No. 4, be engrossed for a third reading to-morrow,

Which motion was agreed to.

Council file No. 4, chapters two and three, part first, as amended by the House, taken up.

First amendment :

Section two, line twelve, strike out the name "Monroe," and after the word "Saline," in line seventeen, insert "Saunders."

Mr. Allen moved to concur in the amendment by the House,

Which motion was agreed to.

Second amendment :

"In section eleven, chapter three, at the end thereof add, 'Provided, however, that probate judges may practice in all cases in which they have judicially acted, or in any way been interested by virtue of their aforesaid office.'"

Mr. Kennedy moved that the Council refuse to concur,

Which motion was agreed to, and

The Council refused to concur in the second amendment by the House.

Third amendment :

"In section ten, line two, strike out the words, 'under the first section of this act.'"

Mr. Kennedy moved to concur in the amendment,

Which motion was agreed to, and

The Council concurred in the third amendment.

Fourth amendment:

In section nineteenth strike out "three," in seventh line, and insert "seventeenth."

Mr. Kennedy moved that the Council refuse to concur in amendment,

Which motion was agreed to, and

The Council refused to concur in the fourth amendment by the House.

Mr. Allen moved that a committee be appointed to confer with a like committee from the House to consider the amendments pending between the two houses,

Which motion was agreed to, and

Méssrs. Allen, Griffey and Chapman were appointed such committee.

Council file No. 4, chapter first, part first, as amended by the House, taken up.

First amendment:

In section second strike out the word "by," fifth line from the bottom, and insert the word "for," in lieu, and in section first, twentieth line, strike out "half a cent," and insert "two cents."

Mr. Kennedy moved to concur in amendments,

Which motion was agreed to, and

The Council concurred in first amendments.

Second amendment:

Section thirty-four, strike out the words "on testimony of any two fence viewers of the county."

On motion of Mr. Kennedy,

The Council concurred in second amendment of House.

Third amendment:

In section thirty-four strike out the word "November," in last line, and insert "December" in its place.

On motion of Mr. Kennedy,

The Council concurred in the third amendment of the House.

Fourth amendment:

In section thirty-six insert between the words ".of" and "this," in the second line, the words "section thirty-five," and strike out the words "two (2)" in third line, and in place thereof insert "thirty-five."

On motion of Mr. Kennedy,

The Council concurred in the amendments of the House.

Substitute for House file No. 4,

A bill for an act to authorize the record of certain instruments affecting the title to real estate, and for other purposes, taken up.

Read first time.

Mr. Kennedy moved to suspend the rules, read the bill a second time by its title, and refer to special committee of members from Douglas and Platte counties,

Which motion was agreed to.

Bill read second time, and

Referred to committee consisting of

Messrs. Kennedy, Porter and Albertson.

House file No. 8,

A bill for an act to authorize Z. J. Parsons to establish and keep a ferry across the Missouri river at Rulo, Richardson county, Nebraska Territory, taken up.

Read first time.

Mr. Kennedy moved to suspend the rules, read the bill second time by title, and refer to its appropriate committee,

Which motion was agreed to.

Bill read second time, and

Referred to committee on corporations.

House file No. 16,

"A Bill for an act to incorporate the Pittsburg and Platte Valley mining company," taken up.

Read first time.

House file No. 17,

"A Bill for an act to repeal an act to provide for the protection of crops and destruction of blackbirds, crows and gophers, in the counties of Cedar, Dixon and Dakota," taken up.

Read first time.

Mr. Griffey moved to suspend the rules and read the bill a second time by title now,

Which motion was agreed to, and

House file No. 17 read second time by title.

Mr. Allen moved to suspend the rules, read the bill by its title third time, and put it on its passage,

Which motion was agreed to.

House file No. 17, read third time and passed, and title agreed to.

House file No. 18,

A Bill for an act to legalize the acts of commissioners appointed to locate a Territorial road from Simpson's Landing, *via* Tekama, in Burt county, to Logan Creek Mill, in Washington county, taken up.

Read first time.

Mr. Allen moved to suspend the rules and read House file No. 18 second time by its title,

Which motion was agreed to.

House file No. 18 read second time.

Mr. Allen moved to suspend the rules, read the bill third time and put it on its passage,

Which motion was agreed to.

House file No. 18 read third time, passed, and title agreed to.

Mr. Kennedy, on leave, reported as follows :

Mr. President: Your committee on the revision of the laws have had under consideration chapter thirteen of C. F. No. 4, entitled "Revision of the Laws," and have directed me to report the same to the Council and recommend its adoption.

B. E. B. KENNEDY,
Chairman.

The Council now resolved itself into committee of the whole,

Mr. Kennedy in the Chair.

After some time the committee rose and through Mr. Kennedy, their chairman, reported as follows :

Mr. President: The committee of the whole house have had under consideration chapter thirteen of C. F. No. 4, entitled "Revision of the laws," and direct me to report the same back to the Council and recommend that subdivision entitled "Judicial districts," be recommitted to a select committee.

B. E. B. KENNEDY,
Chairman.

Mr. Porter moved to adopt the report of the committee of the whole,

Which motion was agreed to.

Mr. Kennedy moved that Messrs. Mason, Allen and Chapman act as special committee on the subject of the report of the committee of the whole,

Which motion was agreed to.

Mr. Holladay, from the committee on engrossed bills reported :

Council file No. 7,

A Bill for an act to legalize the official acts of the probate judge of Leauqui-court county, and for other purposes.

Council file No. 8,

An Act to legalize the location of a Territorial road from the city of Platts-mouth, in Cass county, to intersect the Territorial road in section No. 3, township No. 9 north, of range No. six, (6) east of sixth principal meridian, in Lancaster county, Nebraska.

Council file No. 4, part first, chapter fifth, of the revisors' report, entitled "bonds," "over-drawing county funds," correctly engrossed.

A. S. HOLLADAY,
J. B. BENNET,

Mr. Kennedy moved that the report be adopted, and the bills considered now,

Which motion was agreed to.

Council file No. 7 taken up.

Read third time.

Bill passed, and title agreed to.

Council file No. 8, taken up.

Read third time.

Bill passed, and title agreed to.

Mr. Kennedy moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

FRIDAY, JANUARY 19, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll call.

All present.

Journal read and approved.

Mr. Griffey moved that the Council now take a recess for thirty minutes,

Which motion was agreed to.

And the Council took a recess at 10:25 A. M.

After recess,

The President called the Council to order at 10:55 A. M.

Message from the House as follows:

HOUSE OF REPRESENTATIVES,

January 19, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed Council file No. 4, part first, chapter four, with amendments, herewith returned.

Also, that the House has appointed Messrs. Robertson, Brown, Maxwell, Lake and Crounse, a committee of conference to confer with the committee appointed on the part of the Council, in reference to the disagreement of the two houses upon House amendments to sections eleven and nineteen of chapter three, part first, C. F. No. 4.

GEO. MAY,

Chief Clerk of House.

Amendments of House to chapter four, part first, C. F. No. 4:

1. Section 5. Strike out the words, "by law," in second line.

2. Sec. 20. Strike out the word "grant," in first line, and insert "give" in lieu thereof.

3. Sec. 24. Strike out all after the words "Provided, however," and insert the words "that the deputy treasurer shall not receive any compensation from the territory."

4. Sec. 26 Be stricken out, and the numbering of sections twenty-seven, twenty-eight and twenty-nine, be respectively changed to twenty-six, twenty-seven and twenty-eight.

Mr. Kennedy, from joint committee on revision of laws, reported as follows :

Mr. President: Your committee on the revision of the laws, have had under consideration chapters fourteen and fifteen, C. F. No. 4, entitled "Revision of the laws," and direct me to report the same back to the Council and recommend the adoption of the same.

B. E. B. KENNEDY,
Chairman.

Mr. Allen, from the select committee, reported as follows :

Mr. President: The committee on conference having had under consideration the matter of disagreement between the two houses of the Legislative Assembly, in sections eleven and nineteen of chapter three of the revisors' report, beg leave to report the following amendments, and recommend their adoption, and the passage of the bill as amended :

Section 11. At the end thereof add "Provided, however, that probate judges may practice in all cases where the sum in controversy exceeds one hundred dollars, in which they have not judicially acted or in any way been interested by virtue of their aforesaid office.

Sec. 19. Strike out "third," in seventh line, and insert "sixteenth" in lieu thereof.

All which is respectfully submitted.

E. A. ALLEN,
T. H. ROBERTSON,
J. W. CHAPMAN,
CHARLES H. BROWN,
T. L. GRIFFEY,
GEO. B. LAKE,
L. CROUNSE,
S. MAXWELL.

Mr. Allen moved that the rules be suspended, and the report of the committee be considered now.

Mr. McCasland introduced

Council file No. 9,

A Bill for an act to vacate a part of the town of North Pawnee City.

Read first time.

House file No. 16,

"A Bill for an act to incorporate the Pittsburg and Platte Valley mining company," taken up.

Mr. Chapman moved to read the bill a second time by title, and refer to its appropriate committee,

Which motion was agreed to, and

House file No. 16 read second time, and

Referred to committee on corporations.

Council file No. 4, chapters fourteen and fifteen, part first, taken up.

Mr. Kennedy moved to consider the chapters in Council,

Which motion was agreed to.

Mr. Kennedy moved to read the chapters third time and put them on their passage,

Which motion was agreed to.

Chapters fourteen and fifteen read third time, passed, and title agreed to.

The question recurring on adopting the report of the committee on conference on Council file No. 4, chapters two and three, and amendments proposed as follows:

First amendment:

"Section 11. At the end thereof add 'Provided, however, that probate judges may practice in all cases where the sum in controversy exceeds one hundred dollars, in which they have not judicially acted, or in any way been interested by virtue of their aforesaid office.'"

Mr. Chapman moved to recommit the amendment to the committee on judiciary.

Motion ruled out of order.

The question recurring on the adoption of the amendment,

On motion of Mr. Kennedy,

The Council refused to concur in the first amendment by the committee on conference.

Second amendment:

Strike out "third," in seventh line, and insert "sixteenth in lieu thereof.

On motion of Mr. Kennedy,

The Council concurred in the second amendment proposed by the committee.

Council file No. 6,

"A Bill for an act to encourage agriculture," taken up.

Council resolved itself into committee of the whole for consideration of C. F. No. 6,

Mr. Chapman in the Chair.

After some time the committee rose, and through their chairman, Mr. Chapman, reported as follows:

Mr. President: Your committee of the whole having had under consideration C. F. No. 6, a bill for an act to encourage agriculture, promote the growth of timber, and restrain stock from running at large, in the Territory of Nebraska, have instructed me to report the same back to the Council, with the following amendments, and recommend their adoption, and that the bill, as amended, be ordered engrossed for a third reading on to-morrow:

Amendments:

1. Strike out, in section 1, line 3, the words, "of that part of said Territory lying south of the Omaha Indian Reservation, and insert in lieu thereof, the words, "the Territory of Nebraska."

2. In sec. 2, line 1, strike out the words "and costs;" also, in line ten of

of section 2, insert after the word "dollars," in 10th line, the following: "provided, however, any party feeling himself aggrieved by such award, shall have the same right of appeal to the District Court as upon judgments rendered in Justices' Courts, and under the same rules."

4. In section 3, strike out the words, "together with his costs."

5. In section 4, line 1, strike out the words, "where suit is brought for;" and insert in lieu thereof, the word, "of." All of which is respectfully submitted.

J. W. CHAPMAN,
Chairman.

Mr. Bennet moved that the amendments be considered now,
Which motion was agreed to.

1st Amendment. Strike out in section 1, line 3, the words, "of that part of said Territory lying south of the Omaha Indian Reservation," and insert in lieu thereof, "the Territory of Nebraska."

Mr. Allen called for the ayes and nays.

The roll being called, the vote stood as follows:

Ayes: Messrs. Blanchard, Bennet, Chapman, Holladay, Kennedy and Porter—6.

Nays: Messrs. Allen, Albertson, Faulkner, Griffey and McCasland—5.

So the amendment was adopted.

2d Amendment. In section 2, line 1, strike out the words, "and costs,"
Was adopted.

3d Amendment. In line 10, section 2, insert after the word "dollars," in 10th line, the following: "Provided, however, any party feeling himself aggrieved by such award, shall have the same right of appeal to the District Court, as upon judgment rendered in Justices' Courts, and under the same rules,"

Was adopted.

4th Amendment. In section 3, line 3, strike out the words "together with his costs,"

Was adopted.

5th Amendment. In section 4, line 1, strike out the words, "where suit is brought for," and insert in lieu thereof the word "of,"

Was adopted.

Mr. Griffey moved that the bill be indefinitely postponed.

Ayes and nays ordered, and resulted as follows:

Ayes: Messrs. Albertson, Allen, Faulkner, Griffey and McCasland—5.

Nays: Messrs. Blanchard, Bennet, Chapman, Holladay, Kennedy and Porter—6,

So the motion was lost.

Mr. Allen moved to strike out section 6, of the bill, and demanded the ayes and nays.

Ayes and nays ordered, and resulted as follows:

Ayes: Messrs. Allen, Faulkner, Griffey and McCasland—4.

Nays: Messrs. Albertson, Blanchard, Bennet, Chapman, Holladay, Kennedy and Porter—7,

So the motion was lost.

Mr. Allen moved to strike out the last figure 6, in section 8, and insert the figure 8.

The ayes and nays were demanded, and resulted as follows:

Ayes: Messrs. Albertson, Allen, Faulkner, Griffey and McCasland—5.

Nays: Messrs. Blanchard, Bennet, Chapman, Holladay, Kennedy and Porter—6,

So the motion was lost.

Mr. Allen moved to postpone the consideration of the bill for one week from to-day.

Mr. Bennet moved to lay the motion on the table.

On division, the motion was lost.

The question recurring on the motion to postpone,

The motion was lost.

Mr. Chapman moved to postpone the consideration of the bill till next Tuesday.

The President held that no motion having been made since the Council had refused to postpone to a day certain, the motion was out of order.

Mr. Allen moved to adjourn,

Which motion was lost.

Mr. Allen moved to postpone the consideration of the bill until next Tuesday.

The President held that no question, except a motion to adjourn, having been made since the Council had refused to postpone the bill to a day certain, the motion was out of order.

Mr. Allen appealed from the decision of the chair, pending the question on the appeal.

Mr. Allen withdrew his appeal.

The following message from the House was received:

HOUSE OF REPRESENTATIVES,
January 19th, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

House File No. 20,

A Bill for an act to allow the city council of the city of Omaha to provide a city prison.

House File No. 21,

A Bill for an act to enable the commissioners of Dodge county to raise a fund to build a court house; and

House File No. 23,

A Bill for an act to incorporate Keystone Chapter No. 2, Royal Arch Masons, at Nebraska City.

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Clerk of House.

House amendments to

Council File No. 4, chapter 4, part 1, taken up.

1st Amendment, to section 5: Strike out the words, "by law," in 2d line.

On motion of Mr. Griffey,

The Council concurred in the first amendment by the House.

2d Amendment, to section 20: Strike out the word "grant," in first line, and insert "give," in lieu thereof.

On motion of Mr. Griffey,

The Council concurred in the second amendment by the House.

3d Amendment, section 24: Strike out all after the words "Provided, however," and insert the words "that the deputy treasurer shall not receive any compensation from the territory."

On motion of Mr. Griffey,

The Council concurred in the 3d amendment by the House.

4th Amendment: section 26 be stricken out, and the numbering of sections 27, 28 and 29 be respectively changed to "sections 26, 27, and 28,"

On motion of Mr. Griffey,

The Council concurred in the 4th amendment by the House; and

All of the House amendments were adopted.

House File No. 23,

A Bill for an act to incorporate Keystone Chapter No. 2, Royal Arch Masons, at Nebraska City.

Taken up.

Mr. Allen moved to suspend the rules, read the bill first and second times by its title, and refer to its appropriate committee,

Which motion was agreed to.

House File No. 23,

Read first and second times by its title, and

Referred to committee on corporations.

House File No. 20,

A Bill for an act to allow the city council of the city of Omaha City to provide a city prison, taken up.

Mr. Porter moved to suspend the rules, read the bill first and second times, by its title, and refer it to its appropriate committee.

Which motion was agreed to, and

House File No. 20 was

Read first and second times, and

Referred to committee on judiciary.

House file No. 21,

A Bill for an act to enable the commissioners of Dodge county to raise a fund to build a court house.

Taken up.

Mr. Blanchard moved to suspend the rules, read the bill first and second times by its title, and refer it to its appropriate committee,

Which motion was agreed to.

House File No. 21,

Read first and second times, and

• Referred to committee on judiciary.

Mr. Holladay, from the committee on engrossed bills, reported

Council File No. 4, part one, chapters six, seven, eight, nine, ten, eleven and twelve of the revisors' reports, correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Kennedy moved that Council File No. 4, chapters six, seven, eight, nine, ten, eleven and twelve, part one, be taken up,

Read third time by title, and put upon its passage,

Which motion was agreed to.

Chapters six, seven, eight, nine, ten, eleven and twelve, part one, Council File No. 4,

Read third time,

Passed, and title agreed to.

Mr. Allen moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

SATURDAY, JANUARY 20, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—Mr. Porter.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy, from the joint committee on the revision of the laws, reported as follows :

Mr. President : Your committee on the revision of the laws have had under consideration chapter 16 of Council file No. 4, relative to elections, and request me to report the same to the Council, and recommend its adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy, from the select committee on substitute for House file No. 4, reported as follows :

Mr. President: Your committee, to whom was committed substitute for H. F. No. 4, a Bill for an act to authorize the record of certain instruments affecting the title to real estate, and for other purposes, have had the same under consideration, and ask leave to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,
JOHN R. PORTER,
ISAAC ALBERTSON.

Council file No. 9,

A Bill for an act to vacate a part of the town of North Pawnee City, taken up.

Mr. McCasland moved to read the bill second time by title, and refer to its appropriate committee,

Which motion was agreed to.

Council file No. 9,

Read second time, and

Referred to committee on judiciary.

Substitute for House file No. 4,

A Bill for an act to authorize the record of certain instruments, &c., taken up.

Mr. Chapman moved to suspend the rules, and consider the bill now,

Which motion was agreed to.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

Mr. Allen moved to re-commit the bill to a select committee,

Which motion was agreed to, and

The President appointed as such committee:

Messrs. Allen, Porter and Chapman.

Council file No. 4, chapter 16, part 1, taken up.

Council resolved itself into committee of the whole, on consideration of the chapter.

Mr. Kennedy in the chair.

After spending some time in committee of the whole,

The President resumed the chair, and received the following message from the governor:

EXECUTIVE CHAMBER,
January 20, 1866.

Mr. President—and Gentlemen of the Council:

I am directed by the governor to inform your honorable body that he has signed and approved,

An act changing the time of holding district courts in Washington county,
N. T.

Also, a joint resolution, to provide for the appointment of a joint committee on the part of the Legislative Assembly to consider the revision of the laws.

J. H. BARLOW,

Private Secretary.

After which, the Council again resolved itself into committee of the whole. After some time, the committee rose, and through their chairman, Mr. Kennedy, reported as follows:

Mr. President: The committee of the whole house have had under consideration chapter 16, C. F. No. 4, revisors' report, entitled "elections," and direct me to report the same back to the Council, with the recommendation that said chapter be re-committed to a select committee, to be selected by the Council.

B. E. B. KENNEDY,

Chairman.

Mr. Chapman moved to adopt the report of the committee of the whole, Which motion was agreed to.

Mr. Chapman nominated for special committee,

Messrs. Bennet, Holladay and McCasland.

The vote being taken on the nomination of Mr. Bennet,

Mr. Bennet was elected.

Mr. Griffey objected to any one member nominating all the members of a committee.

The President decided that a member could nominate as many persons on a committee as he pleased.

Mr. Griffey appealed from the decision of the President.

The vote being taken, the decision of the President was sustained by the Council.

Mr. Allen moved to reconsider the vote by which Mr. Bennet was elected, Which motion was agreed to.

Mr. Bennet moved to elect the committee by ballot,

Which motion was agreed to.

The President appointed as tellers, Messrs. Porter and Chapman.

On the first ballot,

Mr. Bennet received.....11 votes.

Mr. Kennedy received..... 7 votes.

Mr. Chapman received.....10 votes.

Mr. Holladay received..... 3 votes.

Mr. Porter received..... 5 votes.

Messrs. Bennet, Chapman and Kennedy having received a majority of all the votes, were declared elected special committee to consider chapter sixteen, of part first, Council file No. 4.

Council file No. 6,

"A Bill for an act to encourage agriculture," &c., taken up.

Mr. Bennet moved to make the bill the special order for Wednesday next,
Which motion was agreed to.

Mr. Chapman moved that the Council now adjourn until Monday morning at 10 o'clock, A. M.,

Which motion was agreed to,
And the Council adjourned.

MONDAY, JANUARY 22, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—Mr. Porter.

Prayer by the chaplain.

Journal read and approved.

Mr. Bennet, from the majority of the select committee on chapter sixteen, of the revision, reported as follows :

Mr. President : A majority of your select committee to whom was referred chapter sixteen of the revision of the laws, entitled "Elections," have had the same under consideration, and ask leave to report the same back to the Council and recommend the following amendments :

Amendments :

Add, after the word "five," in section six, in line fourteen, "or before any member of said board."

Insert after the word "Territory," in eighth line of thirty-second section, "Provided that no person who has aided or abetted in the rebellion, or borne arms against the government of the United States, shall be entitled to exercise the right of the elective franchise, or hold office in this Territory, unless such person shall have received a full and complete pardon from the President of the United States."

Strike out all after the word Territory, in line fourteen of section forty-seven, to the end of such section.

J. B. BENNET,

B. E. B. KENNEDY,

Mr. Chapman, from the minority of the same, asked leave to bring in a minority report on the same bill.

No objection being made, leave was granted.

Mr. Griffey gave notice of

A Bill for an act to appoint commissioners to locate a Territorial road from Dakota City, *via* Dewitt, to West Point.

Mr. Bennet, on leave, presented a petition from the county commissioners of Otoe county, relative to the pay of assessors, &c.

Mr. Bennet moved to refer the petition to a special committee consisting of the members from Otoe county,

Which motion was agreed to, and

The petition was referred to a committee consisting of Messrs Bennet and Mason.

Mr. Allen, from a special committee on "substitute for H. F. No. 4," reported as follows:

Mr. President: Your select committee to whom was referred House file No. 4,

A Bill for "An act to authorize the record of certain instruments affecting the title to real estate," and for other purposes, have had the same under consideration, and beg leave to report it back to the Council without amendment, and recommend its passage.

E. A. ALLEN,
Chairman.

Mr. Blanchard moved to suspend the rules and take up the report and bill, and consider the same in Council now,

Which motion was agreed to.

House file No. 4, taken up.

Mr. Chapman moved to read the bill section by section,

Which motion was agreed to, and

The bill was considered section by section.

Message from the House as follows was received:

HOUSE OF REPRESENTATIVES,
January 20, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed C. F. No. 4, chapters fourteen and fifteen, of revisors' report, which are herewith returned with the following amendments:

1. In last line of section six, chapter fourteen, strike out the word "residence," and insert "residue."
2. In section nine insert the word "the" before "lands," in fourth line from bottom.
3. Insert "he" instead of "be," in fourth line from bottom of section thirty-one.
4. Change "first section" to "forty-second section," in forty-fourth section of same chapter.
5. In section forty-five change "second section" to "forty-third section."
6. In section fifty-six strike out words "in the succeeding chapter," and strike out words "in like cases in that chapter," and insert words "in case of sale of real estate by guardians."
7. Section eighty-three, fourth line, change "more" to "none."
8. Section one hundred and six, change "price" to "piece."
9. Section one hundred and thirty-seven, strike out "as," in third line from end of section, and insert "with" in its place.
10. Section one hundred and sixty-two, strike out words "and subsequent," and make "chapters" "chapter."

11. Section one hundred and seventy-six strike out "dispose" in first line, and insert "die possessed of" in its stead; also, last line of sixth subdivision of same section change "estate" to "intestate."

12. Section two hundred, strike out "the preceding," and insert "this."

13. Change "them" to "him," in last line of section two hundred and five.

14. Section two hundred and thirteen, change "sixteenth" to "two hundred and eleven."

15. Section two hundred and twenty-six, change "second" to "two hundred and fourteen," in third line.

16. Section two hundred and forty, "be appealed" stricken out, and "the appellee" inserted instead.

17. Section two hundred and sixty-four, strike out "the preceding fiftieth," and insert "two hundred and sixty-two" after word "section."

18. Section two seventy-one, strike out "preceding" and insert word "this."

19. Section three hundred and one, insert "court" after probate, in second line.

20. Section three hundred and nineteen, "fifth" changed to "three hundred and fifteen," in fourth line.

21. Section three hundred and twenty-two, strike out "in," fourth line.

22. Section three hundred and thirty-six stricken out.

23. Sections three hundred and thirty-seven, three hundred and thirty-eight, three hundred and thirty-nine and three hundred and forty stricken out.

24. Sections one hundred and twenty-three, strike out all after word "some," in tenth line.

25. Add to section eighty-four, "and said sale shall be held open for one hour within said specified time, which hour shall be stated in the notice of sale provided for in the preceding section."

26. Section two hundred and fourteen, strike out first seven lines, and insert in lieu thereof—

"When letters testamentary, or of administration, shall be granted by any Probate Court, it shall be the duty of the Probate Judge to receive, examine, adjust and allow all claims and demands of all persons against the deceased, giving the same notice as is required to be given by commissioners in this chapter, provided that the parties interested, or either of them, shall have the right to demand that two or more suitable persons be appointed commissioners: in which case said commissioners shall receive, examine and adjust all claims and demands against the estate, as provided for in this chapter, except when."

Also, C. F. No. 7,

A Bill for an act to legalize the official acts of the Probate Judge of Leauqui Court county, and for other purposes, herewith returned.

I am also instructed to inform you that the House has seceded from their

amendments to section 11 of chapter 3, C. F. No. 4, part first of revisors' report.

GEO. MAY,

Chief Clerk of House.

Mr. Kennedy moved to read substitute for H. F. No. 4, third time by title, and put it on its passage,

Which motion was agreed to.

Substitute for H. F. No. 4,

Read third time by title.

The question then being, shall the bill pass?

Mr. Chapman called for the ayes and nays, which were ordered, and resulted as follows:

Ayes—Messrs. Albertson, Allen, Blanchard, Faulkner, Kennedy and Porter—6.

Nays—Messrs. Bennet, Chapman, Griffey, Holladay and McCasland—5.

So the bill was passed, and title agreed to.

Mr. Kennedy moved that the Council take a recess for one hour, and that the minority of the special committee on chapter 16, C. F. No. 4 be instructed to hand in their report at the expiration of that time.

Mr. Chapman moved to amend the motion of Mr. Kennedy by extending the time allowed the minority of the committee to report until to-morrow morning.

On division, the motion was lost.

Mr. Kennedy withdrew his motion.

Council File No. 4, chapter sixteen, part one, as amended by the House, taken up, with

Amendments of the House to sections six, nine, thirty-on, forty-four, forty-five, fifty-six, eighty-three, one hundred and six, one hundred and thirty-seven, one hundred and sixty-two, one hundred and seventy-six, two hundred, two hundred and five, two hundred and thirteen, two hundred and twenty-six, two hundred and forty, two hundred and sixty-four, two hundred and seventy-one, three hundred and one, three hundred and nineteen, three hundred and twenty-two, three hundred and thirty-six, three hundred and thirty-seven, three hundred and thirty-eight, three hundred and thirty-nine, three hundred and forty, eighty-four, two hundred and fourteen.

On motion, the Council concurred in the amendments by the House.

Mr. Kennedy moved that the Council refuse to concur in House amendment to section one hundred and twenty-three,

Which motion was agreed to.

Mr. Allen moved that a committee be appointed to confer with a like committee, to be appointed by the House, on the disagreements between the two houses, on the amendments to section one hundred and twenty-three of chapter fourteen of revisors' report, and that said committee be instructed to propose to said committee of conference an amendment to said chapter, taking from the Probate Judges the power to make title to real estate of infant children, and investing the same in the district courts in chancery,

Which motion was agreed to, and

The President appointed as such committee,

Messrs Allen, Faulkner and Chapman.

Mr. Hollady, from the committee on enrolled bills, reported that the committee have examined, and find truly enrolled,

An Act to legalize the official acts of the Probate Judge of Leau-qui Court county, and for other purposes.

And having had the same signed by the speaker of the House and President of the Council, and endorsed by the chief clerk of the Council, presented the same to the governor, for his approval, at half-past 12 o'clock this 22d day of January, 1866.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Allen offered the following resolution :

WHEREAS, it has pleased Divine Providence to remove from the scenes of this life, Col. A. R. Gilmore, an old resident and respected citizen of Omaha City, Nebraska Territory; and whereas, the members of this body desire to attend the funeral of the deceased, which will take place this P. M., therefore

Resolved, That the Council now adjourn until to-morrow morning at 10 o'clock, and that the members of this Council attend the funeral in a body.

The rules were suspended by unanimous consent, and the resolution was taken up and considered.

Mr. Chapman moved to adopt the resolution.

Which motion was agreed to.

The resolution was adopted, and

The Council now adjourned.

TUESDAY, JANUARY 23, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

All present.

Prayer by the chaplain.

Journal read and approved.

Mr. Chapman, of the minority of the select committee on chapter 16, part 1, C. F. No. 4, submitted the following report :

Mr. President: A minority of your select committee, to whom was referred chapter 16, part 1, C. F. No. 4, of the revisors' report, entitled "Elections," beg leave to report that the present election law, is, in the opinion of the minority of your committee, a wise law, throwing, as it does, many safeguards around the ballot-box, and which seem, in the opinion of the minority of your committee, indispensable to preserve its purity, which are sought to be torn

away by the majority of your committee, as seems patent from their recommendations, which are :

First. To require nothing of an alien, offering to vote, but an oath that he is naturalized, or has declared his intentions to become a citizen.

Second. To dispense with the numbering of the ballots.

Third. To allow any one to act as judge, or clerk of elections, whether he be a resident citizen of the Territory or not; and many other changes, which are all, in the opinion of the minority of your committee, fraught with danger, and foreshadow nothing but evil.

Your minority, therefore, most earnestly recommend the adoption of the present election law, without modifying, in any way its provisions.

All of which is respectfully submitted.

J. W. CHAPMAN,

Minority of Select Committee.

Mr. Mason presented a petition from S. A. Chapin and sixty-five others, citizens of Seward county, relative to county boundaries.

Referred to committee of counties.

Mr. Kennedy, from select committee on the revision of the laws, reported as follows :

Mr. President: Your committee on the revision of the laws have had under consideration chapter seventeen revisors' report, entitled "Estrays," and direct me to report the same to the Council and recommend its adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Mason presented a communication from S. H. Calhoun, of Nebraska City, relative to library and replevin law.

Referred to committee on judiciary.

The following message from the House was received.

HOUSE OF REPRESENTATIVES,
January 22d, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed the following bills :

House file No. 11,

A Bill for an act to incorporate the Missouri Colonization Society.

House file No. 12,

A Bill for an act to vacate certain portions of Rulo City, Richardson county.

House file No. 13,

A Bill for an act to authorize Dennis Dean to erect a mill-dam.

House file No. 14,

A Bill for an act to authorize John S. Goss to establish and keep a ferry across the Missouri river, at Fort Calhoun.

House file No. 15,

A Bill for an act to authorize the erection of a mill-dam over the great Nemaha river, in Richardson county.

House file No. 19,

A Bill for an act to extend the corporate limits of the town of Columbus, in Platte county.

House file No. 24,

A Bill for an act to authorize Isaac McKinley to erect and keep a mill-dam across Pawnee creek, in Cass county, Nebraska.

House file No. 25,

A Bill for an act to vacate block No. 13, in the town of Ponca, in Dixon county, Nebraska Territory:

House file No. 26,

A Bill for an act to authorize the Union Grist Mill Association, to erect a mill-dam across the little Nemaha river.

House file No. 30,

A Bill for an act to repeal an act entitled an act to restrain cattle from running at large in St. John's precinct, Dakota county, Nebraska.

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

House file No. 11,

A Bill for an act to incorporate the Missouri Colonization Society, &c., taken up.

Read first time.

Mr. Griffey moved to suspend the rules, read the bill second time by its title, and refer to committee on judiciary,

Which motion was agreed to, and

House file No. 11 was read by title a second time, and

Referred to committee on judiciary.

House file No. 12,

A Bill for an act to vacate certain portions of Rulo City, Richardson county, taken up.

Read first time,

Mr. Allen moved to suspend the rules, read the bill second time by its title, and refer to its appropriate committee.

Which motion was agreed to, and

House file No. 12 was read second time by title, and

Referred to committee on judiciary.

House file No. 13,

A Bill for an act to authorize Dennis Dean to build a mill-dam, taken up.

Read first time.

Mr. Kennedy moved to suspend the rules, read the bill second time by its title, and refer to its appropriate committee,

Which motion was agreed to, and

House file No. 13 was read second time by title, and

Referred to committee on corporations.

House file No. 14,

A Bill for an act to authorize John S. Goss to keep a ferry at Fort Calhoun, taken up.

Read first time.

Mr. Allen moved to suspend the rules, read the bill second time by title, and refer to its appropriate committee,

Which motion was agreed to, and

House file No. 14 was read by title second time, and

Referred to committee on corporations.

House file No. 15,

A Bill for an act to authorize the erection of a mill-dam on the Great Nemaha river, in Richardson county, taken up.

Read first time.

Mr. McCasland moved to suspend the rules, read the bill second time by its title, and refer to its appropriate committee,

Which motion was agreed to, and

House file No. 15 was read by title a second time, and referred to committee on corporations.

House file No. 19,

A Bill for an act to extend the corporate limits of the town of Columbus, in Platte county., taken up.

Read first time.

Mr. Kennedy moved to suspend the rules, read the bill second time by its title, and refer it to its appropriate committee.

Which motion was agreed to, and

House file No. 19 was

Read by title a second time, and

Referred to committee on corporations.

House file No. 24,

A Bill for an act to authorize Isaac McKinley to keep a mill-dam across Pawnee creek, in Cass county, taken up.

Read first time.

Mr. Kennedy moved to suspend the rules, read the bill second time by its title, and refer to its appropriate committee,

Which motion was agreed to, and

House file No. 24 was read second time by title, and

Referred to committee on corporations.

House file No. 25,

A Bill for an act to vacate block 13, in Ponca, Dixon county, taken up.

Read first time.

Mr. Griffey moved to suspend the rules, read the bill a second time by its title, and refer to appropriate committee,

Which motion was agreed to, and

House file No. 25 was read second time by title, and

Referred to the committee on judiciary.

House file No. 26,

A Bill for an act to authorize the Union grist mill association to erect a mill-dam across the Little Nemaha, taken up.

Read first time.

Mr. Holladay moved to suspend the rules, read the bill second time by its title, and refer to its appropriate committee,

Which motion was agreed to.

House file No. 26 was read second time by title, and

Referred to committee on corporations.

House file No. 30,

A Bill for an act to repeal an act to restrain cattle from running at large in St. John's precinct, Dakota county, taken up.

Read first time.

Mr. Griffey moved to suspend the rules, read the bill second and third times by title, and put it on its passage now,

Which motion was agreed to, and

The bill was read by title a second and third time, passed and title agreed to.

Council file No. 4, chapter 16, part 1st, taken up.

Mr. Porter moved to consider the majority and minority reports of the select committee on the said bill, in Council.

The President decided that it required a suspension of the rules to consider the bill in Council.

The vote being taken on Mr. Porter's motion, on division,

The ayes were 7, and the nays 5.

The President decided that there not being a two-thirds vote in the affirmative, the motion was lost.

Mr. Kennedy appealed from the decision of the President,

On which the ayes and nays were ordered, and resulted as follows:

Ayes—Messrs. Chapman, Miller and McCasland—3.

Nays—Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy and Porter—9.

So the Council refused to sustain the decision of the President.

Mr. Kennedy moved to adopt the majority report.

After debate,

Mr. Porter moved the previous question.

Question being, shall the main question be ordered?

The ayes and nays were demanded.

Ayes—Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy, McCasland and Porter—10.

Nays—Messrs. Chapman and Miller—2.

So the main question was ordered.

The question being, shall the majority report be adopted?

The ayes and nays were demanded.

Ayes—Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Kennedy, McCasland and Porter—8.

Nays—Messrs. Allen, Chapman, Holladay and Miller—4.

So the report of the majority was adopted.

Mr. Chapman moved that the bill, C. F. No. 4, chapter 16, part 1st, be considered section by section,

On which motion,

Ayes and nays were demanded, and resulted as follows :

Ayes—Messrs. Allen, Chapman, Holladay, Miller and McCasland—5.

Nays—Messrs. Albertson, Blanchard, Bennett, Faulkner, Griffey, Kennedy and Porter—7.

So the motion was lost.

Mr. Chapman offered the following amendment to section five :

“ I, (A. B.,) do solemnly swear that I am a citizen of the United States, (or have declared my intention to become a citizen of the United States,) that I have been an inhabitant of the Territory of Nebraska for the last six months, and of the county of ————— for the last twenty days, and of my precinct for the last ten days, and have attained the age of twenty-one years, to the best of my knowledge and belief, that I will support the Constitution of the United States, and the organic act of this Territory, and will not give any aid whatsoever to any rebellion or insurrection against the government of the United States, and that I will faithfully and impartially perform the duties of the office of judge (or clerk) of election for ————— precinct, ————— county, according to law and the best of my ability ;” which oath or affirmation may be administered by the county clerk, and by him shall be placed on file in his office.

Mr. Kennedy moved to lay the amendment on the table,

On which motion,

The ayes and nays were demanded, and resulted as follows :

Ayes—Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Kennedy and Porter—7.

Nays—Messrs. Allen, Chapman, Holladay, Miller and McCasland—5.

So the amendment was laid on the table.

Mr. Bennet moved to engross the chapter as amended, for a third reading to-morrow,

On which motion

The ayes and nays were demanded, and resulted as follows :

Ayes—Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Kennedy and Porter—7.

Nays—Messrs. Allen, Chapman, Holladay, Miller and McCasland—5.

So the bill was ordered engrossed for a third reading to-morrow.

Council file No.4, chapter 17, part 1st, taken up.

Mr. Kennedy moved to take up the report of the select committee on revision of the laws.

Mr. Bennet moved to adopt the report of the committee,

Which motion was agreed to.

Mr. Kennedy moved to order the chapter engrossed for a third reading to-morrow,

Which motion was agreed to.

Mr. Griffey moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

WEDNESDAY, JANUARY 24, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—Mr. Porter.

Prayer by the chaplain.

Journal read and approved.

Message from the House as follows was received :

HOUSE OF REPRESENTATIVES,

January 24, 1866,

Mr. President: I am instructed to inform your honorable body that the House has passed

House file No. 9,

Memorial and joint resolution for the removal of the Indians that are now located on reserved lands in Nebraska. Also,

Council file No. 4, part 1, chapter 5th, of the revisors' report, with the following

Amendments :

1st. Section 5, 4th line, strike out "of two thousand dollars," and insert "as prescribed by law."

2d. Strike out "section 35."

3d. Strike out all that part of chapter 5 from section 8 to 17, inclusive, relating to funding the Territorial debt. Also,

C. F. No. 4, part 1, chapters 6, 7 and 8, of revisors' report, with the following amendment :

Chapter 8th, section 1, 6th line, change "their" to "his ;"

And respectfully request the concurrence of the Council.

GEO. MAY,

Chief Clerk of the House.

Mr. Mason presented the claim of citizens of Nebraska for services in the Indian war.

Referred to committee on finance.

A communication from the governor, asking a memorial to the honorable secretary of war, requesting the muster out of the Nebraska veteran volunteers, was received.

Mr. Chapman moved to refer the message from the governor to the committee on military affairs, with instructions to report by bill, or otherwise,

Which motion was agreed to.

Mr. Mason presented the papers relating to the claims of Arnold against the Territory of Nebraska, for services in the Indian war.

Referred to committee on finance.

Mr. Kennedy, from the committee on judiciary, submitted the following report:

Mr. President: Your committee on the judiciary have had under consideration the following bills, and direct me to report them back to the Council without amendment, and recommend their passage:

House file No. 20,

A Bill for an act to allow the city council of the city of Omaha to provide a city prison.

House file No. 21,

A Bill for an act to enable the commissioners of Dodge county to raise a fund to build a court house.

Also, the following bills, with amendments attached:

Council file No. 9,

A Bill for an act to vacate part of the town of North Pawnee City.

House file No. 12,

A Bill for an act to vacate certain portions of Rulo city, Richardson county, with amendments attached.

B. E. B. KENNEDY,

Chairman.

Strike out "section one," after the word Nebraska, in line 3, and insert "that the streets, lanes and alleys of all that portion of North Pawnee City embraced within the west half of the northwest quarter of section twenty-six, township two, north range eleven, east of the sixth principal meridian, be, and the same are hereby vacated."

At the end of section 3 add "Provided that all right and interest which may have accrued to individuals upon said tract shall in no wise be affected by the provisions of this act."

Amendments to H. F. No. 12:

Add at the end of section one, Provided that all rights and interests which may have accrued, or become vested in any person, or persons, in and to said tracts, or any part thereof, shall be in no case affected by the provisions of this act.

Mr. Chapman, from the committee on corporations, submitted the following report:

Mr. President: Your committee on corporations, to whom was referred H. F. No. 8,

"An Act to authorize Z. J. Parsons to establish and keep a ferry across the Missouri river at Rulo, Richardson county, Nebraska Territory,"

Having had the same under consideration, instruct me to report the same

back to the Council with an amendment attached thereto, and recommend its passage as amended.

All of which is respectfully submitted.

J. W. CHAPMAN,
Chairman.

Amendments :

Insert in line 8, of section 1st, after the word "Missouri," the word "river."

H. F. No. 9,

Memorial and joint resolution for the removal of the Indians that are now located on reserved lands in Nebraska, taken up.

Read first time.

Council file No. 6,

"A Bill for an act to encourage agriculture, &c.," taken up.

Mr. Bennet ordered that the bill be ordered engrossed for a third reading to-morrow,

Which motion was agreed to.

Mr. Kennedy moved to suspend the rules and consider the bills reported back by the committee on judiciary,

Which motion was agreed to.

Mr. Kennedy moved to consider the bills in Council,

Which motion was agreed to.

House file No. 21,

A Bill for an act to enable the commissioners of Dodge county to raise a fund to build a court house, taken up.

Mr. Blanchard moved to read the bill third time and put it on its passage,

Which motion was agreed to.

House file No. 21 read third time, passed, and title agreed to.

House file No. 20,

A Bill for an act to allow the city council of the city of Omaha City to provide a city prison, taken up.

Mr. Porter moved to read the bill third time, and put it on its passage,

Which motion was agreed to.

House file No. 20, read third time and passed, and title agreed to.

Council file No. 9,

A Bill for an act to vacate a part of the town of North Pawnee City, taken up as reported back with amendments from committee on judiciary.

Mr. Kennedy moved that the 1st amendment of the committee be adopted,

Which motion was agreed to.

Mr. Kennedy moved to adopt the 2d amendment,

Which motion was agreed to.

Mr. Allen moved to engross the bill for a third reading to-morrow,

Which motion was agreed to, and

The bill was ordered engrossed for a third reading to-morrow.

House file No. 12,

A Bill for an act to vacate certain portions of Rulo city, Richardson county, with amendments recommended by the committee on judiciary, taken up.

Mr. Kennedy moved to adopt the amendment recommended by judiciary committee,

Which motion was agreed to.

Mr. Kennedy moved to read the bill a third time as amended, and put it on its passage,

Which motion was agreed to.

House file No. 12 read third time, passed and title agreed to.

Mr. Chapman moved to suspend the rules and consider the report of the committee on corporations now,

Which motion was agreed to.

Council file No. 8,

A Bill to authorize Z. J. Parsons to keep a ferry across Missouri river at Rulo, Richardson county, with amendment of committee on corporations, taken up.

Mr. Chapman moved to adopt the amendment recommended,

Which motion was agreed to, and

The amendment was adopted.

Mr. Chapman moved to read the bill by its title a third time, as amended, and put it on its passage.

On division, the motion was agreed to.

House file No. 8,

Read third time, passed as amended, and title agreed to.

House file No. 9,

Memorial and joint resolution for the removal of the Indians from reserved lands in Nebraska; taken up.

Mr. Griffey moved to suspend the rules, read the bill second and third times by title, and put it on its passage,

Which motion was agreed to.

House file No. 9,

Read second and third time, passed, and title agreed to.

Council File No. 4, chapter five, part one, as amended by the House, taken up.

On motion,

The Council concurred in House amendments to sections thirty-five, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen and seventeen.

On motion of Mr. Kennedy,

The Council refused to concur in House amendment to section five of chapter five Council file No. 4.

Council file No. 4, chapters six, seven and eight; part one, as amended by the House, taken up.

Mr. Griffey moved that the Council concur in the amendments by the House,

Which motion was agreed to, and

The Council concurred with the House amendment to section one, chapter eight of the revisors' report.

Mr. Holladay offered the following resolution :

Resolved, That the committee on enrolled and engrossed bills be, and are hereby authorized to employ such assistance on the enrolling and engrossing of bills, as may be necessary.

On motion,

The rules were suspended, and the resolution was adopted.

Mr. Griffey moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

THURSDAY, JANUARY 25, 1866.

The Council was called to order at 10 A. M.

The President in the Chair.

The roll was called.

All present.

Prayer by the chaplain.

Journal was read and approved.

Mr. Kennedy, from the committee on the judiciary, made the following report :

Mr. President : Your committee on the judiciary have had under consideration the following bills, and direct me to report them back to the Council, with amendments thereto attached, and recommend their passage as amended :

House file No. 25,

An Act to vacate block No. 13, in the town of Ponca, Dixon county, Nebraska Territory.

Strike out section one, after the word "Nebraska," in line 2, and substitute the following :

"That all lots in block 13, in the town of Ponca, in the county of Dixon, and all alleys located through and upon said block, be, and the same are hereby vacated, and the title to said alleys shall revert to, and become vested in the owner or owners of said lots respectively."

House file No. 11,

A Bill for an act to incorporate the Missouri Colonization Society.

Insert in section one, an enacting clause as follows :

"Be it enacted by the Council and House of Representatives of the Territory of Nebraska."

Between the words "such," and "laws," insert the word "by," and after the word "laws," insert the words, "and regulations."

Mr. Holladay, from the committee on engrossed and enrolled bills, reported the following bills correctly engrossed :

Council file No. 9,

An Act to vacate a part of the town of North Pawnee City, &c.

Council file No. 4, part one, chapter seventeen, of the revisor's report, entitled "Estrays."

Council file No. 6,

An Act to encourage agriculture, promote the growth of timber, and restrain stock from running at large in the Territory of Nebraska.

Council file No. 4, part one, chapter sixteen, of the revisors' report, entitled "Elections."

A. S. HOLLADAY,

Chairman.

Mr. Kennedy, from joint committee on revision of the laws, reported as follows :

Mr. President: Your committee on the revision of the laws, have had under consideration chapters eighteen, nineteen, twenty and twenty-one of revisor's report, entitled, "Fees," "Ferries," "Game," and "Government," respectively, and direct me to report the same to the Council and recommend their adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Mason, on leave, introduced,

Council file No. 10,

A Bill for an act to revise an act incorporating Nebraska City, approved Dec. 31, 1857, and the amendments thereto.

Mr. Kennedy moved that the Council take up the reports of the committees, Which motion was agreed to.

House file No 25,

To vacate block 13 in town of Ponca, taken up.

The following amendment having been reported by the committee on judiciary,

Strike out section one, after the word "Nebraska," in line two, and insert "That all lots in block 13, in the town of Ponca, in the county of Dixon, and all alleys located through and upon said block, be, and the same are hereby vacated, and the title to said alleys shall revert to, and be vested in the owner or owners of said lots respectively."

Mr. Griffey moved the adoption of the amendment proposed,

Which motion was agreed to.

Mr. Griffey moved that the bill, as amended, be read a third time by its title, and put upon its passage,

Which motion was agreed to.

The question being upon the passage of the bill,

House file No. 25, as amended, was

Passed, and title agreed to.

House file No, 11,

To incorporate the Missouri Colonization Society, was called up.

The Council resolved itself into the committee of the whole, to consider House file No. 11.

Mr. Kennedy in the chair.

After spending some time in committee of the whole, the President resumed the chair, and

Received the following communication from the House :

HOUSE OF REPRESENTATIVES,

January 24, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed,

House file No. 2,

A Bill for an act to incorporate the Credit Foncier of America; also, Council file No. 4,

Chapters 9, 10, 11 and 12 of revisors' report, with the following Amendments to chapter 9 :

1st. In section 2, 3d line, change "act" to "chapter," and after "board," in 5th line, insert, "in each newly organized county," and in 6th line, change "act" to "chapter."

2d. Section 3, at end of 1st line, change "act" to "chapter."

3d. Section 4, 4th line, change "act" to "chapter."

4th. Section 20, strike out all after "the," in 2d line from the bottom, and insert "preceding section."

5th. Section 22, 4th line from the bottom, change "act" to "chapter."

6th. Section 23, after the word "sections," in 2d line, strike out "of this act."

7th. Section 27, 2d line, change "act" to "chapter."

8th. Section 28, 2d line from bottom, change "act" to "chapter."

9th. Section 31, 4th line from bottom, change "act" to "chapter."

10th. Section 33, 4th line from bottom, change "act" to "chapter."

11th. Section 39, after "county," in 4th line, insert, "a penalty of."

12th. Section 40, 7th line, strike out "act," and insert "chapter."

13th. Section 43, after "writing," in 4th line, strike out balance of the section.

14th. Section 44, strike out all between the word "counties," in 2d line, and the word "and," in 4th line.

15th. Section 45, strike out all preceding the word "it," in 7th line from the bottom.

16th. Strike out all of section 46; also "substitute for House file No. 29, a bill for an act to locate a Territorial road from St. Derooin, to intersect a Territorial road from Falls City to Nemaha City.

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

After which,

Mr. Kennedy resumed the chair in committee of the whole.

After consideration of House file No. 11 in committee of the whole, the committee rose, and through their chairman made the following report :

Mr. President : The committee of the whole house having had under consideration House file No. 11, direct me to report the same back to the Council with the amendments attached, and recommend the adoption of the amendments, and that the bill pass as amended.

B. E. B. KENNEDY,
Chairman.

Amendments :

Insert in section 1 an enacting clause, as follows :

“ Be it enacted by the Council and House of Representatives of the Territory of Nebraska.”

Between the words “ such ” and “ laws ” insert the word “ by,” and after the word “ laws ” insert the words “ and regulations.”

Mr. Allen moved that the report of the committee of the whole, with the amendments proposed, be adopted,

Which motion was agreed to.

Mr. Allen moved that the bill as amended be read a third time by its title, and put upon its passage,

Which motion was agreed to.

House file No. 11 read third time as amended,

Passed and title agreed to.

The Council resolved itself into committee of the whole to consider the report of the joint committee on revision of the laws, on chapters 18, 19, 20 and 21 of the revisors' report,

Mr. Kennedy in the Chair.

After consideration of chapters 18, 19, 20 and 21, part 1, revisors' report, the committee rose and through its chairman made the following report :

Mr. President : The committee of the whole house have had under consideration Council file No. 4, part 1, chapters 18, 19, 20 and 21, and direct me to report the same back to the Council with amendments attached, and recommend the adoption of the amendments, to wit :

Add to section 3 the following :

The clerk of the district and supreme court shall keep a docket in which he shall enter the costs chargeable and taxable against each party in any suit pending in said court respectively, and he is hereby empowered at any time to make out a statement of such fees, specifying each item of the fees so charged and taxed, under the seal of the court, which fee bill, so made under the seal of said court, shall have the same force and effect as an execution ; and the sheriff to whom said fee bill shall be issued shall execute the same as an execution, and shall have the same fees therefor ; and the clerk shall have the same fees for issuing such bill that he is entitled to for the issuance of an execution ; Provided that the clerk shall not enter in such docket any fees of

any officer claiming the same, unless such officer shall duly return an itemized bill of the same.

4th. Add to line 2, section 4, "except those required to pleading."

5th. In line 12, section 4, strike out "or," and insert "50 and."

6th. In line 17, section 4, strike out word "drawing," and insert "taxing;" also, add to same line the words "each cause."

7th. In section 5, line 5 from the bottom, strike out all after the word "prisoner," and insert "such sum as the same shall cost."

8th. Add to section 10 the following:

In all cases in the district or supreme court, when persons in whose favor the execution or order of sale is issued, shall bid in the property sold on execution or decree, the sheriff or master making such sale shall receive five dollars as his *per centum* on such sale, and no more.

9th. Strike out "200" in line 3 of section 15, and insert "300."

10th. Amend section 21 by striking out the word "two" in line 3, and insert the word "three."

11th. In section 22, line 3, change "two" to "three."

12th. Add to section 34:

Provided that the court may, in the counties of Otoe and Douglas, fix the fees of the prosecuting attorney in either of said counties, for each special or general term, at any sum not to exceed three hundred dollars.

B. E. B. KENNEDY,

Chairman.

Pending the reading of the amendments the following message was received from the House by the hands of Geo. May, chief clerk:

HOUSE OF REPRESENTATIVES,

January 25, 1866.

Mr. President: I am instructed by the House to inform your honorable body that the amendments of House to Council file No. 4, chapter 5, which was as follows:

Section 5, 4th line, strike out "of two thousand dollars," and insert "as prescribed by law,"

Was a clerical error, made in committee of the whole, and that the amendment of House, as corrected, is:

Chapter 5, Council file No. 4, of revisors' report, section 7, 4th line, strike out "of two thousand dollars," and insert "as prescribed by law."

To which amendment as corrected the concurrence of the Council is respectfully requested.

GEORGE MAY,

Chief Clerk of House.

Mr. Porter moved the adoption of the report.

Mr. Allen demanded a division of the question, and the consideration of the amendments separately.

Thereupon the amendments reported by the committee were severally considered, and were all adopted by the Council.

The bill was then ordered engrossed for a third reading to-morrow.

The Council then took up the amendment made by the House of Representatives to section 7, chapter 5, part 1st, Council file No. 4, to-wit :

Strike out of fourth line of section 7, the words "two thousand dollars," and insert "as prescribed by law."

Mr. Porter moved that the Council concur in the amendment as read,

Which motion was agreed to.

Substitute for House file No. 29,

A Bill to locate a Territorial road from St. Deroin to Falls City, taken up.

On motion of Mr. Kennedy,

The bill was read a first and second time by its title, and

Referred to the committee on highways, bridges and ferries.

Council file No. 4, part 1, chapter 9, was taken up, and the several amendments made by the House of Representatives thereto, were separately considered, and all were concurred in.

House file No. 2,

To incorporate the Credit Foncier of America, was taken up.

Mr Porter moved that the rules be suspended, and the bill read a 1st and 2d time, and

Referred to the committee on corporations.

The motion was not agreed to.

The bill was then

Read the first time.

Council file No. 6,

A Bill for an act to encourage agriculture, &c., taken up.

Mr. Bennet moved to read the bill 3d time by its title, and put it on its passage.

Mr. Chapman moved to lay that motion on the table.

The ayes and nays were demanded, and resulted as follows :

Ayes : Messrs. Albertson, Allen, Chapman, Faulkner, Griffey, Miller and McCasland—7.

Nays : Messrs. Blanchard, Bennet, Holladay, Kennedy and Porter—5.

So Mr. Bennet's motion was laid on the table.

Council file No. 6,

Read third time.

Mr. Griffey moved that the further consideration of the bill be indefinitely postponed.

The ayes and nays being demanded and called, resulted as follows :

Ayes : Messrs. Albertson, Allen, Chapman, Faulkner, Griffey and McCasland—6.

Nays : Messrs. Blanchard, Bennet, Holladay, Kennedy, Miller and Porter—6.

The President voted in the negative.

So the motion to indefinitely postpone was lost.

Mr. Bennet moved to put the bill upon its passage now.

The ayes and nays being demanded, and the roll called, the result was :

Ayes : Messrs. Blanchard, Bennet, Holladay, Kennedy and Porter—5.

Nays : Messrs. Albertson, Allen, Chapman Faulkner, Griffey, Miller and McCasland—7.

So the Council refused to put the bill upon its passage at this time.

Council file No. 9,

To vacate a part of North Pawnee City, was

Read a third time, passed and the title agreed to.

Council file No. 4, part 1, chapter 17, entitled estrays, reported from the engrossing committee, was read the third time by its title.

Mr. Kennedy moved that the bill do now pass,

Which motion prevailed, and the

Bill passed and the title was agreed to.

Council file No. 4, part 1, chapter 16, entitled "elections," reported from the engrossing committee, was taken up.

Mr. Kennedy moved that the bill be read the third time by its title, and put upon its passage.

Mr. Chapman moved to lay the motion and the bill upon the table.

The ayes and nays were demanded, and being called resulted :

Ayes : Messrs. Chapman, Miller and McCasland—3.

Nays : Messrs. Albertson, Allen, Blanchard, Bennet, Griffey, Faulkner, Holladay, Kennedy and Porter—9.

So Mr. Chapman's motion was lost.

The question recurring on the motion of Mr. Kennedy,

The ayes and nays were demanded, and resulted :

Ayes : Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy and Porter—8.

Nays : Messrs. Allen, Chapman, Miller and McCasland—4.

So the motion prevailed, and

The bill was ordered to a third reading by its title.

Mr. Allen moved to re-commit the bill for an amendment.

Mr. Kennedy asked for information whether such a motion was in order.

The President decided that a motion to re-commit, prior to the passage of the bill, was in order.

Mr. Griffey moved to lay Mr. Allen's motion to re-commit on the table.

The ayes and nays were ordered, and resulted as follows :

Ayes : Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Kennedy and Porter—7.

Nays : Messrs. Allen, Chapman, Holladay, Miller and McCasland—5.

So the motion to re-commit was laid on the table.

The bill was then

Read the third time by its title, and put upon its passage.

The ayes and nays being demanded,

The roll was called, and the vote resulted,

Ayes : Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Kennedy and Porter—8.

Nays : Messrs. Chapman, Holladay, Miller and McCasland—4.

And chapter 16, Council file No. 4,

Passed, and the title was agreed to.

On motion of Mr. Holladay,
The Council adjourned.

FRIDAY, JANUARY 26, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll called.

All present.

Prayer by the Chaplain.

Journal read and approved.

The committee on highways, bridges and ferries reported as follows :

Mr. President : Your committee, to whom was referred substitute for House file No. 29,

A Bill for an act to locate a Territorial road from St. Derooin, to intersect a Territorial road from Falls City to Nemaha City, have instructed me to report that they have had the same under consideration, and also, to report the same back to the Council, and recommend its passage without amendment.

All of which is respectfully submitted.

C. BLANCHARD,

Chairman.

Mr. Mason presented a petition from Joseph Foote and others, asking for the legalization of the acts of commissioners appointed pursuant to law, in the location of a certain Territorial road, from Table Rock to Nebraska City.

The joint committee on the revision of the laws reported as follows :

Mr. President : Your committee on the revision of the laws have had under consideration chapters 22, 23, 24, 25 and 31, part 1, of revisors' report, entitled, "Incorporations," "Insane," "Instruments negotiable," "Interest," and "Money," respectively, and direct me to report the same to the Council, and recommend their adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Griffey presented a petition from W. M. Adair and 25 others, praying for an early State organization.

Referred to committee on federal relations.

Council file No. 10,

To revise the charter of Nebraska City, was taken up.

On motion of Mr. Griffey,

The bill was read the second time, by title, and

Referred to the delegation from Otoe county.

House file No. 29,

To locate a Territorial road in Richardson county, was taken up.

Mr. Kennedy moved to read the bill the third time, by its title, and put it on its passage,

Which motion was agreed to.

The bill was then read third time by its title, and the question being on its passage,

The bill was passed, and the title agreed to.

Mr. Mason presented a communication from citizens of Burt county, relating to a certain pending matter before the Legislature, which was

Referred to the committee on judiciary.

The following message was received from the House of Representatives.

HOUSE OF REPRESENTATIVES,

January, 25, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed the following bills:

House file No. 27,

A Bill for an act to vacate certain portions of Calhoun City Company's addition to Fort Calhoun.

Substitute for House File No. 28,

A Bill for an act to legalize certain acts of the city council of the city of Fort Calhoun, Nebraska Territory, and give jurisdiction over cemetery grounds.

House file No. 33,

A memorial and joint resolution for a mail route from Ponca, Dixon county, to Fremont, in Dodge county, Nebraska Territory.

House file No. 34,

A Bill for an act to confirm the title to certain real estate in Nebraska City, county of Otoe, and Territory of Nebraska, and vest the same in Otoe county.

House file No. 35,

A Bill for an act to confirm the title to certain real estate in Nebraska City to Nebraska City, for school purposes.

House file No. 43,

"A Bill for an act to incorporate the the Board of Trade of the city of Omaha.

House file No. 45,

A Bill for an act to incorporate the Omaha German Reading Association. Also,

Council file No. 8,

A Bill for an act to legalize the location of a Territorial road from the city of Plattsmouth, in Cass county, to intersect the Territorial road in section No. 3, township No. 9, north of range 6, east of the 6th principal meridian in Lancaster county, Nebraska; with the following

Amendments:

After section 1, insert "section 2, that the said commissioners, or any two of them, on or before the first day of May next, shall file in the offices of the county clerks of the said counties of Cass and Lancaster, a certified plat of said road, as surveyed and located by them, and from the date of the filing thereof the same shall be considered, and held to be a public road, and it shall be the duty of the supervisors of roads, through whose districts the said road shall run, to open the same through their respective districts, for public travel, at the earliest practical period."

And change sections 2 and 3, to 3 and 4, and

The concurrence of the Council is respectfully requested.

I am also instructed to inform your honorable body that the House has appointed Messrs. Crounse, Brown, Arnold, Thorn and Drexel on the committee of conference requested by your honorable body, on disagreement to House amendments to chapter 14, Council file No. 4, section 123.

GEO. MAY,

Chief Clerk of House.

The Council then resolved itself into committee of the whole upon the consideration of chapters 22, 23, 24, 25 and 31, part 1, revisors' report:

Mr. Kennedy in the chair.

After consideration of said chapters, the committee rose, and through their chairman, made the following report:

Mr. President: The committee of the whole house have had under consideration chapters 22, 23, 24, 25 and 31, part 1, revisors' report, and direct me to report the same back to the Council, with the following amendments, and recommend that said amendments be adopted.

B. E. B. KENNEDY,

Chairman.

Amendments to Chapter 22: Strike out all of sub-division entitled "Insolvent Corporations."

Insurance Companies, Strike out, in lines 3 and 4, section 12, the words, "for the purpose of insuring property against fire and marine losses."

Strike out the words, "and with the county clerk of the county in which said company is located," in same section.

Add to section 13 the following: "and the auditor shall cause a brief abstract of such statement to be published in at least one newspaper at the capitol of the Territory, and such company shall pay for said publication."

Amend section 16, by striking out "than the Territory of Nebraska," in line 3, and insert "or Territory."

Add to section 16, "and the auditor may demand and receive two dollars for every such certificate, to be paid by the company."

Insert after the word "State," in lines 12 and 15, from the bottom of section 16, the words "or Territory."

Section 18, in last 2 lines strike out "clerk of the district court of the county in which such agent resides," and insert "auditor of the Territory."

Strike out section 21.

Section 24, strike out the word "associated" wherever it occurs, and insert in lieu thereof the word "association."

Add to section 24, "every insurance company shall in its statement, required to be filed with the auditor, show whether it has any such deposits as are referred to in this section."

Section 26, lines 4 and 5, strike out "clerks of the district court," and insert "county clerk."

Add to section 1, chapter 24, *Instruments Negotiable*, "Provided that all such bonds, promissory notes and bills of exchange made payable to bearer, shall be transferable by delivery, without endorsement thereon."

Strike out all of section 7 after the word "Territory," in 3d and 4th lines from bottom.

Mr. Miller moved that the amendments recommended by the committee of the whole be adopted, and that the chapters under consideration be engrossed for a 3d reading to-morrow,

Which motion was agreed to:

House file No. 2,

To incorporate Credit Foncier, was taken up.

Mr. Kennedy moved that the bill be read the second time by its title, and referred,

Which motion was agreed to, and

House file No. 2 was read by its title a second time, and

Referred to the committee on corporations.

House file No. 45,

To incorporate the Omaha German Reading Association, taken up.

On motion of Mr. Griffey,

The rules were suspended, the bill read a first and second time, and

Referred to committee on corporations.

Mr. Chapman moved that the rules be suspended, and that the House bills upon the President's table be read the 1st and 2d time by titles, and referred to their appropriate committees.

The motion was agreed to, and

The House bills were read 1st and 2d time, and referred as follows:

House file No. 27,

To vacate a portion of additions to Fort Calhoun,

Referred to the committee on judiciary.

House file No. 28,

To legalize acts of the city council of Fort Calhoun.

Referred to committee on judiciary.

House file No. 33,

To incorporate the board of trade of Omaha,

Referred to the committee on corporations.

House file No. 34,

To confirm certain titles in Nebraska City, to Otoe county,

Referred to committee on judiciary.

House file No. 35,

To confirm certain titles in Nebraska City, to Nebraska City,

Referred to committee on judiciary.

House file No. 43,

Memorial for a mail route from Ponca to Fremont,

Referred to committee on federal relations.

Council file No. 8,

To legalize the location of a Territorial road in Cass county, as reported back from the House of Representatives, with amendments, taken up.

On motion of Mr. Chapman,

The amendments made by the House of Representatives were concurred in by the Council.

Council file No. 6,

To encourage agriculture, &c., was taken up, and

The question being on the passage of the bill,

Mr. Faulkner moved its indefinite postponement.

On division, the votes were, 6 ayes, 6 nays.

So the Council refused to postpone the bill.

The ayes and nays being demanded and called upon the passage of the bill, the result was,

Ayes : Messrs. Blanchard, Bennet, Holladay, Kennedy and Porter—5.

Nays : Messrs. Albertson, Allen, Chapman, Griffey, Faulkner, Miller and McCasland—7.

So the Council refused to pass the bill.

Mr. Allen moved to reconsider the vote by which the bill was lost, and to lay that motion on the table.

Which motion was agreed to, and

The motion to reconsider was laid on the table by 7 ayes and 5 nays.

Mr. Faulkner, from the committee on military affairs, submitted the following report :

Mr. President : Your committee on military affairs to whom was referred communication of his excellency governor Saunders, with instructions to report on the same as early as possible, beg leave to submit the following memorial and joint resolution, and recommend the passage of the same.

All of which is respectfully submitted.

GEORGE FAULKNER, Chairman,

JOHN R. PORTER,

J. N. McCASLAND.

Mr. Faulkner, from the committee on military affairs, introduced Council file No. 11,

Memorial and joint resolution to the honorable the secretary of war, requesting the muster out of the Nebraska veteran volunteer cavalry.

Mr. Allen, from the committee on counties, submitted the following report :

Mr. President : The committee on counties to whom was referred a peti-

tion with accompanying papers, praying the Legislature to change the southern boundary line of Seward county to the present southern boundary line of Saline county, have had the subject under consideration, and instructed me to report to the Council, that the aforesaid petition has attached thereto sixty-six names purporting to be residents of Seward and Saline county. Also, that there was presented to your committee aforesaid a remonstrance to any change of the boundary lines of said counties, which remonstrance is signed by sixty-eight names of persons claiming to be citizens of Saline counties, thereby showing a majority of two against the proposed change; therefore, in the opinion of your committee, any action by this Legislature tending to affect or change the present boundary lines of said counties would be unwise and improvident legislation.

All of which is respectfully submitted.

E. A. ALLEN,
Chairman.

Mr. Chapman moved that the Council now consider
Council file No. 11,

A memorial praying for the muster out of the Nebraska veteran cavalry,
Which motion was agreed to, and

Upon motion of Mr. Chapman,

The rules were suspended, and

The bill was read 1st, 2d and 3d time, and put upon its passage.

The bill was then passed and title agreed to.

Council file No. 12,

To provide for a jail in Washington county, was introduced, on leave, by
Mr. Allen.

On motion by Mr. Allen,

By unanimous consent, the bill was read by its title the 1st, 2d and 3d
time, and passed, and the title was agreed to.

Mr. Kennedy, from the joint committee on the revision of the laws, made
the following report:

Mr. President: Your committee on the revision of the laws have had under
consideration chapters 26 and 27, part 1st, revisors' report, entitled "jails,
journals and laws," respectively, and direct me to report the same to the
Council and recommend their adoption.

B. E. B. KENNEDY,
Chairman.

Mr. Kennedy moved that chapters 26, entitled "jails," and 27, entitled
"journals and laws," be engrossed for a 3d reading to-morrow,

Which motion was agreed to.

The President and Mr. Bennet asked for leave of absence until Tuesday
next.

Leave was granted.

On motion of Mr. Miller,
The Council adjourned until Monday, at 10 A. M.

MONDAY, JANUARY 29, 1866.

Council met pursuant to adjournment.

The President being absent by leave of the Council,

Mr. Porter moved that Mr. Chapman be elected President *pro tem.*,

Which motion was agreed to, and

Mr Chapman took the Chair.

Roll call.

Absent—None.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy, from the committee on judiciary, reported as follows:

Mr. President: Your committee on the judiciary have had the following bills under consideration, and direct me to report them back to the Council without amendment, and recommend their passage:

House file No. 34,

A Bill for an act to confirm the title to certain real estate in Nebraska City, county of Otoe, and Territory of Nebraska, and vest the same in Otoe county.

House file No. 35,

A Bill for an act to confirm the title to certain real estate in Nebraska City, to Nebraska City, for school purposes.

House file No. 28,

An Act to legalize certain acts of the city council of the city of Fort Calhoun, N. T., and give them jurisdiction over cemetery grounds.

House file No. 27,

An Act to vacate certain portions of the Calhoun City company's addition to Fort Calhoun.

Mr. McCasland, from the committee on federal relations, reported as follows:

Mr. President: Your committee on federal relations, to whom was referred

House file No. 33,

A memorial and joint resolution for a mail route from Ponca, Dixon county, to Fremont, in Dodge county, Nebraska Territory,

Having had the same under consideration, report it back to the House, and recommend its passage.

J. N. McCASLAND,

A. S. HOLLADAY,

C. BLANCHARD.

Mr. Holladay, from the committee on engrossed bills, reported,

Council file No. 4, part 1, chapters 18, 19, 20 and 21 of the revisors' report, correctly engrossed.

A. S. HOLLADAY.

Mr. Kennedy, from the committee on corporations, reported as follows :

Mr. President: Your committee on corporations, to whom was referred House file No. 14,

A Bill for an act to authorize John S. Goss and associates to establish and keep a ferry across the Missouri river at Fort Calhoun, beg leave to report the same back to the Council, with the recommendation that it be returned to the House for engrossment ; also,

House files Nos. 6, 7, 16, 23, 43 and 45,

Are herewith returned without amendment, with the recommendation that they be passed ; also,

House files Nos. 2, 10, 13, 15, 24, 26,

Are herewith returned without recommendation.

Your committee not being able to agree upon the same, beg to be discharged from their further consideration.

All of which is respectfully submitted.

B. E. B. KENNEDY,

Mr. Kennedy, from the joint committee on the revision of the laws, reported as follows :

Mr. President: Your committee on the revision of the laws have had under consideration chapters 28 and 29, part one, revisors' report, entitled " Legislature," and " library," respectively, and direct me to report the same to the Council and recommend their adoption.

B. E. B. KENNEDY,
Chairman.

Mr. Griffey introduced

Council file No. 13,

A Bill for an act for the location of a Territorial road from Dakota City, *via* DeWitt, to West Point, Nebraska.

Mr. Kennedy, on leave, introduced

Council file No. 14,

A Bill for an act to insure the safe keeping of prisoners in Douglas county, and to provide for, and regulate the pay for guarding the same.

Council file No. 13, taken up and read first time.

Mr. Griffey moved to suspend the rules, read the bill second and third times, and put it on its passage,

Which motion was agreed to.

Bill read second and third times, passed, and title agreed to.

Mr. Allen moved to read Council file No. 14, first and second times, by title, and refer to appropriate committee,

Which motion was agreed to.

Bill read first and second times by title, and

Referred to committee on judiciary.

House file No. 34,

An Act to confirm the title of certain real estate in Nebraska City to Otoe county, taken up.

Mr. Kennedy moved that the bill be considered in Council,

Which motion was agreed to.

Mr. Allen moved to read the bill third time by title, and put it on its passage,

Which motion was agreed to.

Bill read third time by title, passed, and title agreed to.

House file No. 35,

An Act to confirm certain titles in Nebraska City, to Nebraska City, taken up.

Mr. Miller offered an amendment as follows:

Whenever the word "block 21" was mentioned, it should be struck out, and "block 20" inserted.

Which amendment was adopted.

Bill, as amended, was read third time, passed, and title agreed to.

House file No. 27,

An Act to vacate portions of Calhoun City, taken up.

Mr. Allen moved to consider the bill in Council,

Which motion was agreed to.

House file No. 27,

Read third time, passed, and title agreed to.

House file No. 33,

A memorial for a mail route from Ponca City to Fremont, taken up.

Mr. Allen moved that the bill be considered in Council.

Which motion was agreed to.

House file No. 33,

Read third time, passed, and title agreed to.

House file No. 6,

An Act to repeal an act to incorporate the "Johnson County Seminary," taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

House file No. 6,

Read third time,

Mr. McCasland presented petitions from citizens of Johnson county, in reference to House file No. 6.

Mr. Kennedy called for reading of the petitions.

Petitions were read.

The question being on the passage of the bill,

Bill passed, and title agreed to.

Mr. Allen moved to refer the petitions from Johnson county to committee on federal relations.

Mr. McCasland asked leave to withdraw petitions,

Objections being made, leave was refused.

Mr. Miller moved to lay the motion to refer the petitions, and the whole subject matter, on the table,

Which motion was agreed to.

House file No. 7,

An Act to incorporate the "Arago Shuetzenverein," taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

Mr. Kennedy moved to read the bill third time by title, and put it on its passage,

Which motion was agreed to.

House file No. 7,

Read third time, passed, and title agreed to.

House file No. 14,

An Act to establish a ferry at Fort Calhoun, taken up.

Mr. Allen moved to amend the bill as follows :

After the word "four," in section 1, line 10, insert the following : "distance to be measured by the course of the river."

The amendment was adopted.

Bill read third time, as amended, passed, and title agreed to.

House file No. 16,

An Act to incorporate the P. and P. V. Mining Company, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

House file No. 16,

Read third time, passed, and title agreed to.

House file No. 23,

To incorporate Keystone Chapter R. A. Masons, of Nebraska City, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

House file No. 23,

Read third time, passed, and title agreed to.

House file No. 43,

To incorporate the Board of Trade of Omaha, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

House file No. 43,

Read third time, passed, and title agreed to.

House file No. 45,

To incorporate "Omaha German Reading Association."

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

House file No. 45,

Read third time, passed, and title agreed to.

Mr. Kennedy moved that

House file No. 2,

To incorporate the "Credit Foncier," be taken up and considered in Council,
Which motion was agreed to.

Mr. Allen moved that the bill be read a third time by its title, and put upon its passage.

Which motion was agreed to.

House file No. 2,

Read third time, passed, and title agreed to.

Mr. Allen moved to reconsider the vote by which the bill was passed, and to lay that motion on the table,

Which motion was agreed to, and

The motion to reconsider was laid on the table.

House file No. 24,

To authorize Isaac McKinley to erect a mill-dam in Cass county, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

Mr. McCasland moved to read the bill by title third time, and put it on its passage.

Mr. Kennedy moved to postpone the bill indefinitely,

Which motion was agreed to, and

The Bill was indefinitely postponed.

House file No. 10,

To authorize Jacob Webber to build a mill-dam.

Mr. Griffey moved to consider the bill in Council.

Mr. Porter moved that the bill be indefinitely postponed,

Which motion was agreed to, and

The bill was indefinitely postponed.

Mr. McCasland moved a call of the house.

Roll-call ordered.

Mr. Miller absent.

Mr. McCasland moved that the sergeant-at-arms be dispatched after absentees,

Which motion was agreed to.

Mr. Miller appearing within the bar,

Mr. Porter moved that all further proceedings under the call be dispensed with,

Which motion was agreed to.

House file No. 15,

To authorize the erection of a mill-dam in Richardson county, taken up.

Mr. Porter moved to postpone the bill indefinitely,

Which motion was agreed to.

House file No. 26,

To authorize the Union grist mill company to erect a mill-dam, taken up.

Mr. McCasland moved to postpone the bill indefinitely,

Which motion was agreed to.

House file No. 13,

To authorize Dennis Dean to erect a mill-dam.

Mr. Miller moved to read the bill 3d time by title, and put it on its passage, and demanded the previous question.

Mr. Griffey moved to lay the bill on the table.

Mr. Allen moved to make House file No. 13 special order for the 25th of February.

Mr. Holladay moved to lay the motion on the table,

Which motion was lost.

The question then being on Mr. Allen's motion, it was agreed to.

Mr. Kennedy, from the joint committee on the revision of the laws, reported as follows:

Mr. President: Your committee on revision of the laws have had under consideration chapters 30, 32, 33, 34 and 35, part 1, revisors' report, entitled "lien," "marks and brands," "mills and mill-dams," "notaries public," and "oaths and affirmations," respectively, and direct me to report the same to the Council, and recommend their adoption.

B. E. B. KENNEDY,
Chairman.

Mr. Kennedy, on leave, introduced

Council file No. 15,

A Bill for an act to incorporate the Great Nemaha Valley mining company.

Mr. Miller moved to suspend the rules and read the bill first and second times by title now.

Two-thirds of the members voting in the affirmative, the Chair decided the motion carried.

Mr. Allen raised a point of order, that it required a unanimous vote to read a bill a second time the same day.

The Chair decided the point of order not well taken.

Mr. Allen appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand as the judgment of the House,

The ayes were: Messrs. Albertson, Blanchard, Faulkner, Kennedy, Miller, McCasland and Porter—7.

Nays: Mr. Allen—1.

And the decision of the Chair was sustained.

Council file No. 15 was then read 1st and 2d time by title.

Mr. Miller moved to suspend the rules, read the bill 3d time and put it on its passage.

On division the motion was agreed to.

Bill was read 3d time.

The question being on its passage,

The ayes and nays were demanded.

The ayes were: Messrs. Albertson, Blanchard, Faulkner, Griffey, Holladay, Kennedy, Miller, McCasland and Porter—9.

Nays: Mr. Allen—1.

And the bill passed, and title was agreed to.

Council file No. 4, part 1, chapters 18, 19, 20 and 21, reported back from the committee on enrolled and engrossed bills, taken up.

Mr. Allen moved to suspend the rules, read the bill 3d time by title, and put it on its passage,

Which motion was agreed to,

Bill read third time, passed and title agreed to.

Council file No. 4, chapters 28 and 29 taken up.

Mr. McCasland moved to consider the bill in Council.

Which motion was agreed to.

Mr. Kennedy moved to engross the chapters for 3d reading to-morrow,

Which motion was agreed to.

Council file No. 4, chapters 30, 32, 33, 34, 35, as reported by the committee, taken up.

Mr. Kennedy moved that the chapters be considered in Council,

Which motion was agreed to.

Mr. Griffey moved that chapter 34 be considered by sections,

Which motion was agreed to.

Mr. Griffey moved to strike out the word "three," and insert "six," in section 1, chapter 34,

Which amendment was adopted.

Mr. Kennedy moved to amend section 13 by striking out "ten" in second line, before "each of the counties of Otoe and Douglas," and insert "twelve,"

Which amendment was adopted.

Mr. Kennedy moved to strike out "ten," in 3d line, and insert "eight,"

Which amendment was adopted.

Mr. Allen moved to insert after Nemaha, in fourth line, the word "Washington,"

Which amendment was adopted.

Mr. Allen moved to strike out the words "until otherwise provided," in 2d line, section 13,

Which motion was agreed to.

Mr. Allen moved that chapter 34, as amended, be adopted,

Which motion was agreed to.

Mr. Holladay moved that chapter 33 be adopted as reported,

Which motion was agreed to.

Mr. Kennedy moved that chapter 32 be adopted,

Which motion was agreed to.

Mr. Kennedy moved that chapter 35 be adopted,

Which motion was agreed to.

Mr. Kennedy moved that chapter 30 be adopted,

Which motion was agreed to.

Mr. Kennedy moved that chapters 30, 32, 33, 34, 35 be ordered engrossed for a third reading to-morrow,

Mr. Miller moved that the Council now adjourn,
Which motion was agreed to, and
The Council adjourned.

TUESDAY, JANUARY 30, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

All present.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy, from the committee on judiciary, reported as follows :

Mr. President: Your committee on the judiciary have had under consideration

Council file No. 14,

A Bill for an act to secure the safe-keeping of prisoners in Douglas county, and to provide for, and to regulate the pay, for guarding the same.

Direct me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. Chapman, from committee on corporations, reported as follows :

Mr. President: Your committee on corporations, to whom was referred

House file No. 19,

A Bill for an act to extend the corporate limits of the town of Columbus, in Platte county,

Instruct me to report the same back to the Council, recommending its return to the House with the request that it be engrossed.

All of which is respectfully submitted.

J. W. CHAPMAN,

Chairman.

Mr. Kennedy introduced

Council file No. 16,

A Bill for an act to incorporate the Union Transfer company.

Read first time.

Mr. McCasland introduced

Council file No. 17,

A Bill for an act to incorporate Interior Lodge No. 9 of the Independent order of Odd Fellows, at Pawnee City, Pawnee county, Nebraska.

Read first time.

Mr. Kennedy moved to suspend the rules, read the Council file No. 16 2d time by title, and refer it to its appropriate committee,

Which motion was agreed to.

Bill read a second time by title, and

Referred to the committee on corporations.

Mr. McCasland moved to suspend the rules, read Council file No. 17 2d time by title, and refer to its appropriate committee,

Which motion was agreed to.

Bill read second time by title, and

Referred to committee on corporations.

House file No. 19,

To extend the corporate limits of Columbus, as reported back by committee on corporations, taken up.

Mr. Griffey moved to suspend the rules, and consider the report now,

Which motion was agreed to.

On motion of Mr. Griffey,

The report was adopted, and the bill ordered to be returned to the House, with the request that it be engrossed.

Mr. Kennedy moved that the rules be suspended, and the report of the judiciary committee be taken up, and considered now.

Which motion was agreed to, and

The Council resolved itself into committee of the whole on the report of the judiciary committee.

Mr. Kennedy in the chair.

After some time, the committee rose, and through their chairman, Mr. Kennedy, reported as follows:

Mr. President: The committee of the whole house have had under consideration

Council file No. 14,

A Bill for an act to insure the safe keeping of prisoners in Douglas county, and to provide for, and regulate the pay for guarding the same; and direct me to report the same back to the Council, without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. Porter moved that the report be adopted,

Which motion was agreed to.

Mr. Chapman moved that the bill,

Council File No. 14,

To insure the safe keeping of prisoners, in Douglas county, be engrossed for a third reading to-morrow,

Which motion was agreed to.

Mr. Holladay moved that the Council take a recess for thirty minutes,

Which motion was agreed to, and

The Council took a recess at 10:50 A. M.

After recess,

The President called the Council to order at 11:20 A. M.

Message from the House as follows:

HOUSE OF REPRESENTATIVES,
January 29, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

House file No. 58,

A Bill for an act to authorize the county commissioners of Burt county to raise money to erect a court house and jail. Also,

Council file No. 9,

A Bill for an act to vacate a part of the town of North Pawnee City, without amendment. Also,

Chapter 17, part 1, Council file No. 4, with the following amendment:

At the end of section 3, add, "except when the number so described shall exceed three, he shall receive one dollar for each estray beyond that number included in such publication," in which the concurrence of the Council is respectfully requested.

I am also instructed to inform your honorable body that the House has concurred in the amendments of the Council to House files Nos. 8, 11, 12 and 25.

GEO. MAY,

Chief Clerk of House.

House file No. 58,

A Bill for an act to authorize the county commissioners of Burt county to raise money to erect a court house and jail, taken up.

Mr. Griffey moved to suspend the rules, read the bill first and second times by title, and refer to its appropriate committee,

Which motion was agreed to, and

The bill was read first and second times by title, and

Referred to committee on judiciary.

Council file No. 4, part 1, and chapter 17,

On motion of Mr. Griffey,

The House amendment to chapter 17, section 3, were concurred in.

Mr. Holladay, from the committee on engrossed bills, reported

Council file No. 4, part 1, chapters 26, 27, 28, 29 and 31, of the revisors' report, correctly engrossed,

A. S. HOLLADAY,

J. B. BENNET.

Mr. Kennedy, from committee on the revision of the laws, on leave, reported as follows:

Mr. President: Your committee on revision have had under consideration chapters 36, 37 and 38, part 1, revisors' report, entitled "Pauper," "Quo Warranto and Mandamus," and "Records," respectively, and direct me to report the same back to the Council, and recommend their adoption.

B. E. B. KENNEDY,

Chairman.

Council file No. 4, part 1, chapters 26 and 27, taken up.

Read third time by title,

Passed, and title agreed to.

• Chapters 28 and 29, taken up,

Read third time by title,

Passed, and title agreed to.

Chapter 31, taken up,

Read third time,

Passed, and title agreed to.

Council resolved itself into committee of the whole, for the consideration of chapters 36, 37 and 38 of Council file No. 4.

Mr. Kennedy in the chair.

After some time, the committee rose, and through their chairman, Mr. Kennedy, reported as follows :

Mr. President: The committee of the whole house have had under consideration chapters 36, 37 and 38, Council file No. 4, part 1, and direct me to report chapter 36 back to the Council, with the recommendation that it be re-committed to joint committee on revision, with the instructions to report in connection with said chapter, a "Vagrant law."

And that chapters 37 and 38 be adopted as reported, and ordered engrossed for a third reading to-morrow.

B. E. B. KENNEDY,

Chairman.

Mr. Chapman moved that the report be adopted, and chapters 37, 38, of Council file No. 4 be ordered engrossed for third reading to-morrow,

Which motion was agreed to.

Mr. Chapman moved to re-commit chapter 36, Council file No. 4, to the joint committee on revision of the laws, and to instruct the committee to report a "vagrant law," under the head of this chapter.

Which motion was agreed to.

Mr. Allen, on leave, introduced,

Council file No. 18,

A Bill for an act to authorize the county commissioners of Cuming county, to provide a fund for certain purposes.

Mr. Allen moved to suspend the rules, read the bill first and second times by title,

Which motion was agreed to.

Bill read first and second times by title.

Mr. Allen moved to suspend the rules, read the bill a third time, and put it on its passage,

Which motion was agreed to.

Bill read third time, passed, and title agreed to.

Mr. Holladay, on leave, gave notice of a bill to incorporate the Brownsville, Tecumseh, Beatrice, and Big Sandy Wagon Road Company.

Mr. Allen, on leave, gave notice of a bill for an act to attach Stanton county to Cuming county for judicial revenue and election purposes.

Mr. Chapman moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess at 11:50 A. M.

After recess,

The President called the Council to order at 0:20 P. M.

Mr. Porter moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

WEDNESDAY, JANUARY 31, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—Messrs. Allen and Porter.

Prayer by the chaplain.

Journal read and approved.

Mr. Holladay presented a memorial from A. T. Hobbs, and 27 others, remonstrating against the attachment of Nuckolls county to Jones county.

Referred to committee on counties.

A message from the House was received as follows :

HOUSE OF REPRESENTATIVES,

January 30, 1866,

Mr. President: I am instructed to inform your honorable body that the House has passed the following bills :

House file No. 48,

A Bill for an act for the relief of M. E. Moreland,

House file No. 52,

A Bill for an act for the relief of Daniel Liming.

House file No. 54,

A Bill for an act to authorize the county commissioners of Richardson county, to award a special bounty for the destruction of wolves and wild-cats.

House file No. 51,

A Bill for an act to incorporate the Western Transportation Company,

And the concurrence of the Council is respectfully requested.

Geo. May,

Chief Clerk of House.

House file No. 48,

A Bill for an act for the relief of M. E. Moreland, taken up.

Read first time.

House file No. 52,

A Bill for an act for the relief of Daniel Liming, taken up.

Read first time.

House file No. 54,

A Bill for an act to authorize the county commissioners of Richardson

county to award a special bounty for the destruction of wolves and wild-cats, taken up.

Read first time.

Mr. Chapman moved that the bill be returned to the House, with a request that it be engrossed,

Which motion was agreed to.

House file No. 51,

A Bill for an act to incorporate the Western Transportation Company, taken up.

Read first time.

Mr. Chapman moved that the further consideration of the bill be postponed until the 12th day of February next.

Mr. Blanchard moved to lay the motion on the table.

On division, the ayes were 6, the nays 5.

The President voted in the negative, and

The motion was lost.

The vote was then taken on Mr. Chapman's motion.

On division,

The motion was lost.

Mr. Chapman moved to refer the bill to committee of the whole, and make it the special order of next Wednesday, February 7, 1866, and

Demanded the ayes and nays.

The ayes and nays were ordered, and resulted as follows :

The ayes were : Messrs. Bennet, Chapman, Faulkner, Miller, McCasland and Porter—6.

Nays : Messrs. Allen, Albertson, Blanchard, Griffey, Kennedy and Holladay—6.

The President voted "aye," so

The motion was agreed to.

Mr. Chapman moved that

House file No. 48.

For the relief of M. E. Moreland, be taken up, and that all further consideration of the bill be indefinitely postponed.

Which motion was agreed to.

Mr. McCasland presented the petition of Daniel Liming, in relation to House file No. 52.

Mr. Chapman moved that all further consideration of House file No. 52 be indefinitely postponed.

Mr. Allen called for the reading of the petition in reference to the bill.

Petition was read.

The vote was then taken on Mr. Chapman's motion, and

The motion was agreed to.

Mr. Chapman, from the committee on corporations, reported as follows :

Mr. President : Your committee on corporations, to whom was referred Council file No. 17,

A Bill for an act to incorporate Interior Lodge No. 9, of the Independent Order of Odd Fellows, at Pawnee City, Pawnee county, Nebraska, instruct me to report the same back to the Council, with recommendation that it be passed.

All of which is respectfully submitted.

J. W. CHAPMAN,
Chairman.

Mr. Bennet, from the special committee on Council file No. 10, reported as follows:

Mr. President: Your special committee, to which was referred Council file No. 10,

A Bill for an act to revise an act entitled, "An act to consolidate the corporations Nebraska City, South Nebraska City and Kearney City, and incorporate Nebraska City, approved Dec. 31, 1857, and the several amendments to said act, have had the same under consideration, beg leave to report the same back with the following amendments:

Strike out "section four," and insert the following: "The said Mayor and board of aldermen shall, on or before the 10th day of April, A. D. 1866, divide said city into three wards, numbered one, two and three, which division shall be so made as to give each ward, as near as practicable, an equal number of resident electors, and each ward shall be entitled to one alderman."

Strike out all after the words "section 21," in section 21, and insert, "The city council shall fix a reasonable sum for the compensation of the recorder, and such fees for the assessor as shall not exceed those allowed to the county assessors for similar services;" and recommend the passage of the bill.

J. B. BENNET.

Council file No. 17,

To incorporate "Interior Lodge No. 9," taken up.

Mr. Chapman moved that the bill be ordered engrossed for a third reading to-morrow,

Which motion was agreed to.

Council file No. 10, a bill for an act to revise an act entitled "An Act to consolidate Nebraska City, South Nebraska City and Kearney City, and incorporate Nebraska City, approved Dec. 31, 1857, and the several amendments to said act, taken up.

Council resolved itself into committee of the whole, on Council file No. 10.

Mr. Bennet in the chair.

After some time the committee rose, and through their chairman, Mr. Bennet, reported as follows:

The committee of the whole house have had under consideration Council file No. 10, and have instructed me to make the following report:

Strike out "section four," and insert the following: "The said Mayor and board of aldermen shall, on or before the 10th day of April, A. D. 1866, divide the said city into three wards, numbered one, two, three, which division shall be so made as to give each ward, as near as practicable, an equal number of resident electors, and each ward shall be entitled to one alderman."

Strike out all after the words "section 21," in section 21, and insert, "the

city council shall fix a reasonable sum for the compensation of the recorder, and such fees for the assessor as shall not exceed those allowed to the county assessors for similar services;" and recommend the passage of the bill as amended.

J. B. BENNET.

Mr. Bennet moved that the report and amendments be adopted,

Which motion was agreed to, and

The report and amendments were adopted.

Mr. Bennet moved that the bill, as amended, be read a third time, and put upon its passage,

Which motion was agreed to.

Council file No. 10,

Read third time, as amended,

Passed, and title agreed to.

Mr. Holladay, from the committee on engrossed bills, reported,

Council file No. 4, part 1, chapters 30, 37, and 38 of the revisors' report.

Council file No. 14,

A Bill for an act to insure the safe keeping of prisoners in Douglas county, and to provide for, and regulate the pay for guarding the same, correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Allen, on leave, presented petitions from A. T. McLoud and others, citizens of Burt county, in reference to

House file No. 58.

On motion of Mr. Chapman, the petitions were

Referred to committee on judiciary.

Council file No. 14,

To provide for the safe keeping of prisoners, and for other purposes, taken up.

Mr. Kennedy moved to suspend the rules, read the bill by its title a third time, and put it on its passage,

Which motion was agreed to.

Bill read third time,

Passed, and title agreed to.

Report of committee on enrolled and engrossed bills, taken up.

Mr. Kennedy moved that the rules be suspended, and the report be considered in Council,

Which motion was agreed to.

Chapter 30 of Council file No. 4, part 1, taken up.

Mr. Kennedy moved to suspend the rules, read the bill third time, by title, and put it on its passage,

Which motion was agreed to.

Bill read third time by title,

Passed, and title agreed to.

Chapter 37 of Council file No. 4, part 1, taken up.

Mr. Kennedy moved to suspend the rules, read the chapter third time by title, and put it on its passage.

Which motion was agreed to.

Bill read 2d time by title, passed and title agreed to.

Chapter 38, of Council file No. 4, part 1st, taken up.

Mr. Kennedy moved that the rules be suspended, read the bill a 3d time by title, and put it on its passage,

Which motion was agreed to.

Bill read 3d time, passed and title agreed to.

Mr. Holladay on leave introduced

Council file No. 19,

A Bill for an act to incorporate "the Brownville, Tecumseh, Beatrice and Big Sandy wagon road company."

Mr. Holladay moved to suspend the rules, read the bill 1st and 2d time by title, and refer to its appropriate committee,

Which motion was agreed to.

Bill read 1st and 2d time by title, and

Referred to committee on corporations.

On leave,

Mr. Allen, from the committee on conference, reported as follows :

Mr. President: The committee on the part of the Council to confer with a similar committee on the part of the House on the disagreement of the Council to amendments proposed by the House to Council file No. 4, being part 1st of chapter 14 of the revisors' report, beg leave to report to the Council that said joint committee have had a conference on the said amendments disagreed to, and recommend that the Council recede from its non-concurrence in the amendment of the House to said bill.

Your committee further report that in obedience to the instructions of the Council, they proposed to the committee of conference an amendment to said chapter, taking from the probate courts the power to make title to real estate of infant children, and investing the same in the district courts in chancery, and that the joint committee, after considering the same, deemed it unwise to make the amendment as proposed in accordance with the instructions of the Council.

E. A. ALLEN,

Chairman.

Mr. Allen moved that the Council concur in the amendments by the House to chapter 14 of Council file No. 4.

The President decided that the motion was out of order, as the Council had once refused to concur in the amendments of the House.

Mr. Allen moved that the Council recede from its non-concurrence in the amendments of the House to section 123, chapter 14, Council file No. 4.

On division the ayes were 6, the nays 6.

The President voted in the negative, and

The motion was lost.

Mr. Kennedy moved to take a recess for 30 minutes.

Motion agreed to, and

The Council took a recess at 11:15 A. M.

After recess,

President called the Council to order at 11:45 A. M.

Mr. Bennet moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

THURSDAY, FEBRUARY 1, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Allen.

Prayer by the Chaplain.

Journal read and approved.

Mr. Holladay, from committee on engrossed bills, reported

Council file No. 17,

A Bill for an act to incorporate Interior Lodge of the Independent order of Odd Fellows, at Pawnee City, Pawnee county, Nebraska.

Council file No. 4, part 1, chapters 22, 23, 24 and 25 of revisors' report, correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Council file No. 4, part 1, chapters 22, 23, 24 and 25, taken up.

Mr. Chapman moved to read the bills by title and put them on their passage,

Which motion was agreed to.

Chapter read 3d time,

Passed, and title agreed to.

Council file No. 17,

A Bill for an act to incorporate Interior Lodge No. 9, I. O. O. F., at Pawnee City, taken up.

Read third time,

Passed and title agreed to.

Mr. Holladay moved to take a recess for 30 minutes.

Which motion was agreed to, and

Council took a recess at 10:20 A. M.

After recess,

The President called the Council to order, 10:50 A. M.

Message from the House as follows, was received :

HOUSE OF REPRESENTATIVES,

February 1, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed,

Council file No. 11,

Memorial and joint resolution to the honorable the secretary of war, requesting the mustering out of the Nebraska veteran volunteer cavalry, without amendment. Also,

Council file No. 13,

A Bill for an act for the location of a Territorial road from Dakota City, *via* DeWitt, to West Point, Nebraska, without amendment. And

Council file No. 15,

A Bill for an act to incorporate the Great Nemaha Valley mining company, without amendment. Also,

Council file No. 4,

Chapter 16, part 1, revisors' report, with the following amendments:

1. After the word "auditor," in the 3d line of section 2, insert the words "our Territorial librarian."

2. After the word "treasurer," in 6th line of section 20, insert the words "Territorial librarian." Also, strike out the last word, "and," in the 5th line.

3. Strike out the first word of the 7th line in section 21, and after the word "treasurer," in same line, insert the words "Territorial librarian."

4. Strike out the word "or," in 16th line of section 24, and after the word "treasurer," in same line, insert the words "or Territorial librarian."

5. Strike out the word "or" in 5th line of section 29, and after the word "treasurer," in same line, insert the words "or Territorial librarian."

To which amendments your concurrence is respectfully requested by the House; that the House has also passed

House file No. 36,

A Bill for an act to provide for the education of the deaf and dumb children in Nebraska.

House file No. 37,

A Bill for an act to vacate the town site of Winnebago, in Richardson county.

House file No. 72,

A Bill for an act to incorporate the board of trade of Nebraska City, N. T., and

House file No. 73,

A Bill for an act to incorporate the Nebraska City mercantile library association.

And the concurrence of the Council is respectfully requested.

I also return herewith,

House file No. 19,

A Bill for an act to extend the corporate limits of the town of Columbus, in Platte county, duly engrossed, as per request of your honorable body.

GEORGE MAY,

Chief Clerk of House.

Mr. Allen moved a call of the house,
Which was ordered.

Roll call.

Absent—Messrs. Miller and Kennedy.

Mr. Porter moved that all further proceedings under the call be dispensed with,

Which motion was agreed to.

Mr. Mason on leave introduced

Council file No. 20,

A Bill for an act to amend an act entitled "an act to authorize the town council of Nebraska City to raise money to erect a central or high school building; approved February 15, 1864."

Mr. Bennet moved to suspend the rules, read the bill a 1st and 2d time by title, and refer to a special committee,

Which motion was agreed to.

Bill read 1st and 2d time, and

Referred to a committee consisting of Messrs. Bennet, Porter and Blanchard.

Mr. Holladay presented a copy of resolutions passed at a convention of citizens of Nemaha county relative to the dismemberment of said county.

Mr. Holladay moved to refer the resolutions to a special committee,

Which motion was agreed to, and

The President appointed as such committee Messrs. Holladay, Chapman and McCasland.

House file No. 73,

To incorporate the Nebraska City mercantile library association, taken up.

Mr. Bennet moved to suspend the rules, read the bill 1st and 2d time by title, and refer to its appropriate committee,

Which motion was agreed to.

House file No. 73,

Read 1st and 2d time by title.

Referred to committee on corporations.

House file No. 19,

To extend the corporate limits of Columbus, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

Mr. Kennedy moved to read the bill by title 3d time and put it on its passage.

Which motion was agreed to.

Bill read 3d time.

On division the bill was lost.

House file No. 73,

To incorporate the board of trade of Nebraska City, taken up.

Mr. Bennet moved to suspend the rules, read the bill first and second time by title, and refer to its appropriate committee,

Which motion was agreed to.

Bill read first and second time by title.

Referred to committee on corporations.

House file No. 36,

To provide for the education of deaf and dumb children, taken up.

Mr. Allen moved to suspend the rules, read the bill by title 1st and 2d time, and refer to its appropriate committee,

Which motion was agreed to.

Read 1st and 2d time by title.

Referred to committee on finance.

House file No. 37,

To vacate the town site of Winnebago, taken up.

Mr. McCasland moved to suspend the rules, read the bill 1st and 2d time, and refer to its appropriate committee,

Which motion was agreed to.

Bill read 1st and 2d time by title.

Referred to committee on judiciary.

Council File No. 4, part 1, chapter 16, as amended by the House, taken up.

On motion,

House amendments to sections 2, 20, 21, 24 and 29 were concurred in.

Mr. Kennedy, from the committee on the revision of the laws, reported as follows :

Mr. President: Your committee on the revision have had under consideration chapter 39, part 1, revisors' report, entitled "revenue," and report the same back to the Council, and recommend its adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy moved to suspend the rules and consider the report now,

Which motion was agreed to.

Council resolved itself into committee of the whole on the report of joint committee,

Mr. Kennedy in the chair.

After some time the committee rose and through their chairman, Mr. Kennedy, reported as follows:

Mr. President: The committee of the whole house have had under consideration chapter 39, part 1, revisors' report, entitled "revenue," and direct me to report the same back to the Council, and recommend its adoption, and that the same be ordered engrossed for a third reading to-morrow.

B. E. B. KENNEDY,

Chairman.

Mr. Chapman moved to adopt the report,

Which motion was agreed to, and

The bill was ordered engrossed for a third reading to-morrow.

Mr. Kennedy, from the select committee on the revision of the laws, on leave reported as follows :

Mr. President: Your committee on revision have had under consideration chapters 42, 43, 45 and 46, part 1, revisors' report, entitled "seals," "surveyors," "warehousemen," "weights and measures," respectively, and report the same back to the Council with the recommendation that the same be adopted.

B. E. B. KENNEDY,

Chairman.

Mr. Griffey moved to suspend the rules and consider the report in Council.

Chapter 42 taken up.

Mr. Chapman moved to adopt the chapter,

Which motion was agreed to.

Mr. Kennedy moved the chapter be ordered engrossed for a 3d reading to-morrow,

Which motion was agreed to.

Chapter 43 taken up.

Mr. Kennedy moved to order the chapter, as reported, engrossed for a 3d reading to-morrow,

Which motion was agreed to.

Chapter 45 taken up.

Mr. Holladay moved to order the chapter, as reported, engrossed for a 3d reading to-morrow,

Which motion was agreed to.

Chapter 46 taken up.

Mr. Chapman moved to order the chapter, as reported, engrossed for a 3d reading to-morrow,

Which motion was agreed to.

Mr. Chapman moved that the Council now adjourn,

Which motion was agreed to, and

The Council now adjourned.

FRIDAY, FEBRUARY 2, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll called.

All present.

Prayer by the chaplain.

Journal read and approved.

Mr. Griffey presented a petition from W. C. Haydon and 25 others, citizens of Dixon county, relative to laying out of roads.

Read, and

Committee on highways, bridges and ferries.

Mr. Allen presented a petition from R. W. Furnas and 7 others, relative to State organization.

Read, and

Referred to committee on federal relations.

Mr. Kennedy, from committee on judiciary, reported as follows:

Mr. President: The committee on the judiciary have had under consideration

House file No. 37,

A Bill for an act to vacate the town site of Winnebago, in Richardson county, and direct me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,
Chairman.

Mr. Holladay, from the committee on engrossed bills, reported

Council file No. 4, part 1, chapters 42 and 43 of the revisors' report, correctly engrossed.

A. S. HOLLADAY,
J. B. BENNET.

Message from the House as follows was received:

HOUSE OF REPRESENTATIVES,
February 1, 1866.

Mr. President: I am instructed by the House to inform your honorable body that the House has passed

House file No. 41,

A Bill for an act to annex the county of Otoe, N. T., to the 1st judicial district.

Substitute for House file No. 64,

A Bill for an act to authorize a ferry across Platte river.

In which the concurrence of the Council is respectfully requested.

Also, that the House has passed

Chapter 30, Council file No. 4, part 1, of revisors' report, without amendment.

And I herewith return

Chapter 14, Council file No. 4, part 1, of revisors' report,

And am instructed to inform you that the House refuses to recede from its amendment to section 123 of said chapter.

I herewith return

House file No. 54,

Correctly engrossed, in compliance with the respectful request of your honorable body.

GEO. MAY,
Chief Clerk of House.

Mr. Kennedy, from the committee on the revision of the laws, reported as follows:

Mr. President: Your committee on revision have had under consideration

chapter 36, part 1, revisors' report, entitled "paupers," re-committed to your committee, with instructions to report in connection therewith a vagrant law. Your committee ask leave to report said bill back to the Council without amendment, as instructed, for the reason that, in the opinion of your committee, a vagrant law more properly belongs to, and should be made a part of the criminal code.

B. E. B. KENNEDY,
Chairman.

House file No. 41,

To annex Otoe county to the first judicial district, taken up.

Read first time.

Mr. Allen moved to suspend the rules, and read the bill second time, and refer to its appropriate committee.

On division,

Motion was lost.

Mr. Griffey moved to lay the bill on the table,

Which was agreed to.

Substitute for House file No. 64,

To authorize a ferry across the Platte river, taken up.

Read first time.

Mr. Blanchard moved to read the bill by title the second time, and refer to its appropriate committee,

Which motion was agreed to.

Read second time, and

Referred to committee on corporations.

House file No. 54,

To authorize the county commissioners of Richardson county to allow a bounty for destruction of wolves and wild-cats, taken up.

Read second time.

Mr. Porter moved to indefinitely postpone the bill.

Mr. Allen moved to lay the motion on the table.

On division,

The motion was agreed to.

Mr. Allen moved to suspend the rules, and refer to appropriate committee,

Which motion was agreed to.

Mr. Porter moved to refer the bill to committee on education.

On division,

The motion was lost.

Mr. Kennedy moved to refer the bill to committee on agriculture.

On division,

The motion was lost.

The President referred the bill to committee on finance.

House file No. 37,

To vacate the town site of Winnebago, Richardson county, was taken up.

Mr. Holladay moved to suspend the rules, and consider the bill in Council.

Which motion was agreed to.

Mr. Griffey moved to read the bill a third time, by title, and put it on its passage.

Which motion was agreed to.

Bill read a third time, by title,

Passed and title agreed to.

Council file No. 4, part 1, chapters 42 and 43, taken up.

Mr. Griffey moved to read third time by title, and put upon its passage,

Which motion was agreed to.

Chapters read third time by title,

Passed, and title agreed to.

Mr. Kennedy moved to re-consider the vote by which the Council refused to recede from their *non-concurrence* in House amendments to section 123, chapter 14, Council file No. 4, which motion was seconded, and by unanimous consent the motion was laid over until next Monday.

Report of special committee on the revision of the laws, taken up.

Mr. Kennedy moved to consider the report in Council,

Which motion was agreed to.

Chapter 36 of Council file No. 4, part 1,

Mr. Kennedy moved to order the chapter engrossed for a third reading to-morrow.

Which motion was agreed to.

Mr. Allen moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess at 11 A. M.

After recess,

The President called the Council to order at 11:30 A. M.

Mr. Kennedy, from the committee on the revision of the laws, reported as follows:

Mr. President: Your committee on revisions have had under consideration chapters 47, 48 and 49, part 1, revisors' report, entitled "Precincts," "Removal from Office," and "Sheriffs and Constables," respectively, and direct me to report them back to the Council, and recommend their adoption. Your committee have had under consideration the subject relative to slavery in this Territory, and recommend that the same be left out of the revision.

B. E. B. KENNEDY,

Chairman.

Mr. Griffey moved to suspend the rules, and consider the report and the chapters in Council,

Which motion was agreed to.

Chapters 47, 48, 49, Council file No. 4, part 1, taken up.

Mr. Kennedy moved to read the chapters by title third time, and put them on their passage.

Which motion was agreed to.

Chapters read third time by title,

Passed, and title agreed to.

Mr. Kennedy moved to adopt the report of the committee relative to slavery.

Which motion was agreed to.

Mr. Kennedy, from the committee on the revision of the laws, reported as follows :

Mr. President: Your committee on revision have had under consideration chapter 41, part 1, revisors' report, entitled "Roads," and direct me to report the same back to the Council, and recommend its adoption.

B. E. B. KENNEDY,
Chairman.

Mr. Allen moved to suspend the rules, and consider the report now.

Which motion was agreed to.

Mr. Griffey moved to consider the chapter in Council,

Which motion was agreed to.

Chapter 41, of revisors' report, taken up.

Mr. Kennedy moved to adopt section 2, as reported,

Which motion was agreed to.

Mr. Kennedy moved to adopt sections 1, 3 and 4, as reported,

Which motion was agreed to.

Mr. Kennedy moved to adopt sections 5, 6 and 7, as reported,

Which motion was agreed to.

Mr. Kennedy moved to adopt section 8, as reported,

Which motion was agreed to.

Mr. Kennedy moved to adopt sections 9, 10, 11, 12, 13 and 14, as reported.

Which motion was agreed to.

Mr. Griffey moved to amend section 15, by striking out "1 mill," and inserting "5 mills" instead,

Which motion was agreed to.

Mr. Griffey offered an amendment to section 15 as follows: Add to section 15, "which special tax, when so collected, shall be exclusively applied to building or repairing permanent and substantial culverts or bridges, under the direction of the county commissioners.

Which amendment was adopted.

Mr. Kennedy moved to adopt sections 17, 18, 19, 20, 21, 22, 23, 24 and 25, as reported.

Which motion was agreed to.

Mr. Griffey moved to adopt section 26, as reported,

Which motion was agreed to.

Mr. Kennedy moved to adopt sections 27, 28, 29, 30, 31 and 32, as reported,

Which motion was agreed to.

Mr. Kennedy moved to order chapter 41, Council file No. 4, engrossed for a third reading to-morrow,

Which motion was agreed to.

Mr. Holladay, from the committee on engrossed bills, reported Council file

No. 4, part 1, chapters 32, 33, 34, 35 and 39, 45 and 46 of the revisors' report correctly engrossed.

A. S. HOLLADAY.

Mr. Kennedy moved to suspend the rules, and consider the report now.

Motion agreed to.

Mr. Chapman moved to read the chapters by title a third time, and put them on their passage,

Which motion was agreed to.

Chapter 39, Council file No. 4, part 1,

Read third time by title.

Passed, and title agreed to.

Chapters 32, 33, 34 and 35 Council file No. 4, part 1,

Read third time by title.

Passed, and title agreed to.

Chapters 45 and 46, Council file No. 4, part 1,

Read third time by title,

Passed, and title agreed to.

Mr. Allen, on leave, gave notice of

A Bill for an act to repeal an act to amend an act relative to a herd law in Richland and Fontenelle precincts, approved Feb. 10, 1864, so far as relates to Richland precinct.

Mr. Griffey moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

SATURDAY, FEBRUARY 3, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll call.

All present.

Prayer by the Chaplain.

Journal read and approved.

Mr. Bennet, from the special committee on Council file No. 20, reported as follows:

Mr. President: Your special committee to whom was referred Council file No. 20,

A Bill for an act to amend an act entitled "an act to authorize the town council of Nebraska City to raise money to erect a central or high school building," approved February 15, 1864,

Have had the same under consideration, and beg leave to report a substitute for said bill, said substitute being the original bill with the amendments rec-

ommended by Council file No. 20, incorporated therein, and recommend the passage of said substitute.

J. B. BENNET.

Mr. Kennedy, from the committee on revision of the laws, reported as follows:

Mr. President: Your committee on revision have had under consideration Chapters 44 and 53, part 1, revisors' report, entitled "town sites" and "ten hour system," respectively, and direct me to report the same back to the Council and recommend their adoption.

Your committee also recommend that the subject of the militia law be referred to the committee on military affairs with instructions to report a revised law on that subject, and report by Tuesday next.

B. E. B. KENNEDY,
Chairman.

Mr. Blanchard gave notice of

A Bill to prevent stock from running at large in Sarpey county.

Mr. Allen introduced

Council file No. 21,

A Bill for an act to repeal an act entitled "an act to amend an act to restrain cattle from running at large in Richland and Fontenelle precincts, in Washington county," approved January 11, 1861, so far as the same relates to Richland precinct.

Read 1st time.

Mr. Porter asked leave to introduce a bill of which no notice had been given.

Mr. Kennedy objected.

The President held that two-thirds of the members present could give leave to introduce a bill.

Mr. Miller moved a call of the house,

Which was ordered.

Roll call.

Absent—Mr. Chapman.

On motion of Mr. Holladay,

The sergeant-at-arms was dispatched after absentee.

Mr. Chapman appearing at the bar of the Council,

On motion of Mr. Holladay,

All further proceedings under the call were dispensed with.

The question being, shall Mr. Porter have leave to introduce a bill of which no notice had been given?

On division, leave was refused.

Mr. Porter gave notice of

A Bill for a State constitution, and a joint resolution recommending and submitting the constitution to the people of Nebraska, for their adoption or rejection.

Mr. Allen moved to suspend the rules, read Council file No. 21 a second time by title, and refer to its appropriate committee,

Which motion was agreed to.

Bill read by title 2d time.

Mr. Allen moved to refer to special committee,

Which motion was agreed to.

Bill referred to committee consisting of Messrs. Allen, Miller and Albertson. Substitute for Council file No. 20,

To authorize the town council of Nebraska City to erect a school house building, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

Mr. Holladay moved that a committee be appointed to confer with a like committee from the House relative to the engrossment of bills, for the purpose of expediting the business of legislation,

Which motion was agreed to, and

The President appointed the committee on engrossed and enrolled bills, consisting of Messrs. Holladay and Bennet, as such committee on the part of the Council.

Mr. Bennet moved to suspend the rules, read substitute for Council file No. 20 by title a 3d time, and put it on its passage,

Which motion was agreed to.

Bill read by title third time.

Passed.

Mr. Bennet moved to amend the title by giving the substitute the title of the original bill,

Which motion was agreed to.

Report of the committee on revision of the laws, taken up.

Mr. Kennedy moved to consider the chapters reported, in Council,

Which motion was agreed to.

Chapter 53 of Council file No. 4, part 4, taken up.

Mr. Porter moved to amend the 1st section of chapter 53 by striking out the word "ten," and inserting "eight."

Mr. Miller moved to lay the motion on the table,

Which motion was agreed to.

Mr. Kennedy moved to read the chapter a 3d time by title, and put it on its passage,

Which motion was agreed to, and

Chapter 53 read 3d time by title,

Passed, and title agreed to.

Chapter 44 taken up.

Mr. Kennedy moved to read the chapter a 3d time by title, and put it on its passage,

Which motion was agreed to.

Chapter 44 read third time by title,

Passed, and title agreed to.

Mr. Allen moved to adopt the report of the committee relative to militia law,
Which motion was agreed to, and

The militia law referred to committee on military affair, with instructions to report the same back by Tuesday next.

Mr. Allen moved to take a recess for 30 minutes,

Which motion was agreed to, and

Council took a recess at 11 A. M.

After recess,

The President called the Council to order, at 11:30 A. M.

Mr. Kennedy, from the committee on revision of the laws, reported as follows :

Mr. President: Your committee on revision have had under consideration chapters 51, 52 and 54, part 1, revisors' report, entitled "divorce and alimony," "guardians and wards," and "county seats," respectively, and direct me to report them back to the Council, and recommend their adoption.

B. E. B. KENNEDY,
Chairman.

Council resolved itself into committee of the whole, on consideration of the report of the committee on revision,

Mr. Kennedy in the Chair.

The clerk of the House being announced,

The President resumed the Chair, called the Council to order, and received the following message from the House :

HOUSE OF REPRESENTATIVES,
February 3, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

Council file No. 4,

Part 1, chapters 18, 19, 20, 21 of revisors' report, with the following amendments :

1. Chapter 18, section 5, page 3d of said section, 6th line from the bottom, strike out remainder of paragraph, and insert "per day not exceeding seventy-five cents."

2. Section 7, same chapter, 6th line from bottom, after the word mileage insert "for distance actually traveled to," and strike out "the court house to."

3. Section 10, fourth line, strike out "1½," and insert "1."

4. Section 16, add "for surveying county roads, per day, \$4 00."

4½. Strike out "provided," in section 34, 7th line from bottom, and all thereafter in said section.

5. Chapter 19, section 7, 3d line, strike out "act" and insert "chapter."

6. Same chapter, section 9, in 4th line change "act" to "chapter."

7. Same chapter, section 12, 2d line, strike out "act," and insert "chapter."

8. Chapter 20, section 1, second line from bottom strike out "March," and

insert "April," and in same line, "fifteenth," and insert "first," and in last line, "July," and insert "August."

9. Same chapter, section 3, last line, strike out "act," and insert "chapter,"

10. Same chapter, section 5, 6th line, strike out "act," and insert "chapter."

11. Chapter 18, section 5, after 71st line insert "that in all cases where personal property shall be taken by the sheriff in execution, or on an order of attachment, and applied in satisfaction of the debt, without sale, he shall be allowed the same per centage on the appraised value of the same as in case of sale."

Amend chapter 18, part 1, Council file No. 4, by striking out section 20, and inserting instead thereof the following :

Section 20. Each county treasurer shall receive for his services the following fees: on all moneys collected by him for each fiscal year under three thousand dollars, ten per cent., and for all sums over three thousand dollars and under five thousand dollars, four per cent., and on all sums over five thousand dollars, two per cent. On all sums collected, per centage shall be allowed but once, and in computing the amount collected, for the purpose of charging per centage, all sums, from whatever fund derived, shall be included together, except the school fund. For going to the seat of government to settle with the Territorial Treasurer, and returning therefrom, a traveling fee of ten cents a mile, to be paid out of the Territorial treasury. For advertising and selling lands for delinquent taxes, an additional fee of five per cent., to be collected only in case such lands are actually sold, and then in cash of the person buying the same; but for all other cases and services the treasurer shall be paid in the same pro rata from the respective funds collected by him, whether the same be in money, Territorial or county warrants, and on all school moneys by him collected, he shall receive a commission of but one per cent., and in all cases where persons outside of the Territory apply to the treasurer by letter, to pay taxes, the Treasurer is authorized to charge a fee of one dollar for each tax receipt by him sent to such person. Also,

Chapters 26, 27, 28 and 29 of Council file No. 4, part 1, revisors' report, with the following amendments :

1. Chapter 26, section 14, second line, strike out "in" before "charge."

2. Chapter 27, section 3, eighth line, insert "treasurer," instead of "treasury."

3. Chapter 27, section 6, after "Assembly," in third line, insert "the secretary is authorized to sell copies of the laws at a price at least equal to cost, and the amount so received shall be applied to the "library fund of the Territory."

4. Chapter 28, section 74, third line, strike out "threatening," and insert "threatening."

On which the concurrence of the Council is respectfully requested. Also,

Chapters 31, 37 and 38, part 1, Council file No. 4, revisors' report, without amendment. Also,

House file No. 46,

A Bill for an act to authorize the county commissioners of Douglas county to apprentice paupers under the age of 21 years. Also,

House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company.

House file No. 66,

A Bill for an act to authorize J. T. A. Hoover to erect a mill-dam across Mill Creek.

House file No. 67,

A Bill for an act to restrain stock from running at large in Cuming county, part of Otoe, Cass, Nemaha and Saunders counties.

House file No. 74,

A Bill for an act to vacate certain blocks in the town of Peru.

House file No. 75,

A Bill for an act to vacate the town of Archer, in Richardson county.

In which the concurrence of the Council is respectfully requested. Also,

Council file No. 18,

A Bill for an act to authorize the county commissioners of Cuming county to provide a fund for certain purposes, without amendment.

I am also instructed to return

Council file No. 10,

A Bill for an act entitled, "An act to consolidate the corporations of Nebraska City, South Nebraska City and Kearney City, and incorporate Nebraska City, approved Dec. 31, 1857, and the several amendments to said acts, with a respectful request that the same be engrossed.

GEO. MAY,

Chief Clerk of House.

The Council again resolved itself into committee of the whole.

Mr. Kennedy in the chair.

After spending some time in committee of the whole, in the consideration of chapters 51, 52 and 54, the committee rose, and through their chairman, Mr. Kennedy, made the following report:

Mr. President: The committee of the whole house have had under consideration Chapters 51, 52, 54, part 1, revisors' report, entitled "divorce and alimony," "guardians and wards," and "county seats," respectively, and direct me to report chapters 52 and 54 without amendment, and chapter 51 with amendments attached, and recommend the adoption of the amendment, and that said chapters be engrossed for a third reading to-morrow.

B. E. B. KENNEDY,

Chairman.

Mr. Allen moved that the report of the committee of the whole be adopted, Which motion was agreed to.

House file No. 63,

A Bill to incorporate the Omaha Insurance Company, taken up, and,

On motion of Mr. Porter,

The rules were suspended, and the
Bill read first and second times, and
Referred to the committee on corporations.

House file No. 66,

A Bill to authorize J. T. A. Hoover to erect a mill-dam across Mill Creek,
taken up.

Read first time, and

On motion of Mr. Griffey,

The further consideration of House file No. 66 was indefinitely postponed.

House file No. 67,

A Bill for an act to restrain stock from running at large in Cuming county,
and in parts of Otoe, Cass, Nemaha and Saunders counties, taken up.

Mr. Holladay moved to suspend the rules, read the bill first and second times
by title, and refer to its appropriate committee,

Which motion was agreed to.

Mr. Chapman moved to read the bill first time by title,

Which motion was agreed to, and

The bill read first time.

House file No. 74,

A Bill to vacate certain lots in the town of Peru, taken up, and,

On motion of Mr. Holladay,

The rules were suspended, and the bill

Read first and second times, and

Referred to committee on judiciary.

House file No. 75,

A Bill for an act to vacate the town of Archer, in Richardson county,
taken up, and

On motion of Mr. Chapman,

The rules were suspended, and the bill

Read first and second times by title, and

Referred to committee on judiciary.

Amendments proposed by the House, to chapters 18, 19, 20, 26, 27, and
28, taken up.

On motion of Mr. Kennedy,

House amendments to section 5, chapter 18, were concurred in.

On motion of Mr. Griffey,

House amendment to section 7, same chapter, was concurred in.

On motion of Mr. Miller,

House amendment to section 10, same chapter, was concurred in.

On motion of Mr. Chapman,

House amendment to section 16, same chapter, was concurred in.

On motion of Mr. Griffey,

House amendments to sections 20 and 34, same chapter, were concurred in.

On motion of Mr. Kennedy,

House amendment to section 7, chapter 19, was concurred in

On motion of Mr. Griffey,

House amendment to section 9, same chapter, was concurred in.

On motion of Mr. Holladay,

House amendment to section 12, same chapter, was concurred in.

On motion of Mr. Kennedy,

House amendment to section 1, chapter 20, was concurred in.

On motion of Mr. Holladay,

House amendment to section 3, same chapter, was concurred in.

On motion of Mr. Miller,

House amendment to section 5, same chapter, was concurred in.

On motion of Mr. Holladay,

House amendment to section 14 of chapter 26, was concurred in.

On motion of Mr. Miller,

House amendment to section 3 of chapter 27, was concurred in.

Mr. Griffey moved that the Council do not concur in amendment to section 6, chapter 27.

Mr. Miller moved to lay that motion on the table,

Which motion was lost.

The question recurring on Mr. Griffey's motion, it was lost.

On motion of Mr. Allen,

The House amendment to section 6, of chapter 27, was concurred in.

On motion of Mr. Kennedy,

House amendment to section 7 of chapter 28 was concurred in.

And all of the amendments proposed by the House to chapters 18, 19, 20, 26, 27 and 28 were concurred in.

Mr. Holladay, from the committee on engrossed bills, reported

Council file No. 4, part 1, chapter 41 of the revisors' report, correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Kennedy moved to take up the report of the committee on engrossed and enrolled bills,

Which motion was agreed to.

Chapter 4, part 1, Council file No. 4, entitled "roads," taken up.

Mr. Chapman moved that the chapter be read by title and put upon its passage,

Which motion was agreed to.

Chapter 41, part 1st, Council file No. 4, read 3d time by title,

Passed, and title agreed to.

On motion of Mr. Albertson,

The Council adjourned until Monday morning at 10 o'clock A. M.

MONDAY, FEBRUARY 5, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

All present.

Prayer by the chaplain.

Journal read and approved.

Mr. Kennedy, from the committee on judiciary, reported as follows :

Mr. President: Your committee on the judiciary have had under consideration

House file No. 58,

A Bill to authorize the county commissioners of Burt county to raise money to erect a court house and jail, and direct me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,
Chairman.

Mr. Porter, from the special committee on House file No. 54, reported as follows :

Your committee to whom was referred

House file No. 54,

A Bill for an act to authorize the county commissioners of Richardson county, to award a special bounty for the destruction of wolves and wild-cats, have had the same under consideration, and beg leave to report the same back without recommendation.

JOHN R. PORTER,
J. G. MILLER.

Mr. Blanchard asked leave of absence for two hours.

On motion of Mr. Chapman,

Leave was granted.

Mr. Miller, from the committee on finance, reported as follows :

Your committee on finance, to whom was referred

House file No. 36,

Entitled, an act to provide for the education of the deaf and dumb children in Nebraska, having had the same under consideration, instruct me to report the following substitute for said bill, and recommend its passage.

J. G. MILLER,
J. R. PORTER,
J. N. McCASLAND.

Mr. Porter, from special committee on House file No. 46, reported as follows :

Your select committee to whom was referred

House file No. 46,

A Bill for an act to authorize the county commissioner of Douglas county to apprentice paupers under the age of 21 years, having had the same under consideration would recommend the following amendment :

Strike out in section 1, in fifth line, all after the word "minor," in that line.

Also, amend the title by striking out all after the word "paupers," and

inserting the word "minor" before the word "pauper," and recommend its passage as amended.

JOHN R. PORTER,

B. E. B. KENNEDY,

Mr. Allen, from special committee on Council file No. 21, reported as follows:

Mr. President: The select committee on Council file No. 21,

A Bill for an act to repeal an act to amend an act relative to a herd law in Richland and Fontenelle precincts, approved February 10, 1864, "so far as the same relates to Richland precinct," have instructed me to report the accompanying bill, (herewith submitted,) as a substitute, and recommend its passage without amendment.

All of which is respectfully submitted.

E. A. ALLEN,

J. ALBERTSON,

J. G. MILLER.

Mr. Kennedy, from the joint committee on the revision of the laws, reported as follows:

Mr. President: Your committee on revision have had under consideration chapters 40 and 50, part 1, revisors' report, entitled "schools" and "real estate," respectively, and direct me to report the same back to the Council and recommend their adoption.

B. E. B. KENNEDY,

Chairman.

Mr. Porter introduced Council file No. 22,

A joint resolution submitting a constitution for a State government to the people for their approval or rejection.

Read first time.

Mr. Bennet moved to suspend the rules, read the joint resolution 2d time by title, and refer it to a special committee.

On division, the motion was agreed to.

Joint resolution read 2d time by title, and

Referred to a special committee consisting of Messrs. Bennet, Porter and Chapman.

Mr. Chapman, from the committee on corporations, reported as follows:

Mr. President: Your committee on corporations, to whom was referred House file No. 64,

A Bill for an act to authorize a ferry across the Platte river. Also, House file No. 73,

A Bill for an act to incorporate the Nebraska City mercantile library association. Also,

House file No. 72,

A Bill for an act to incorporate the board of trade of Nebraska City;

Instruct me to return the same to the Council, and recommend the following proviso be attached to the same respectively, to-wit:

“Provided that the Legislature hereby reserves the right to alter or amend this act at any time.” Also,

Council file No. 16,

A Bill for an act to incorporate the Union Transfer company,

Is herewith returned with an amendment attached thereto, and recommend its adoption. Also,

Council file No. 19,

A Bill for an act to incorporate the Brownville, Tecumseh, Beatrice, and Big Sandy Wagon Road Company,

With an amendment attached thereto, recommending its adoption; and your committee instruct me to recommend the passage of the several bills as amended.

All of which is respectfully submitted.

J. W. CHAPMAN,
Chairman.

Message from the House was received, as follows:

HOUSE OF REPRESENTATIVES,
February 5, 1866.

Mr. President: I am instructed by the House to inform your honorable body that the House has passed,

Council file No. 12,

A Bill for an act to provide a fund to build a jail for Washington county, N. T., with the following amendments:

1. At the end of 8th line of section 1, after the words “sixty-six” insert the words “and annually thereafter until a sufficient amount shall have been raised.”

2. In the 9th line of section 1, after the word “jail” insert the words “and court house.”

3. After section 3 insert new sections, to-wit:

Sec. 4. At the first regular meeting of the county commissioners of said county after the passage of this act, they shall call an election of the qualified electors of said county, (giving them ten days’ notice thereof in the usual manner,) for the purpose of locating the county seat of said county by a vote of the people.

Sec. 5. Said election shall be conducted by the same officers and in the same manner as other elections in said county, and canvassed in the same manner.

Sec. 6. The vote shall be by ballot, and the electors shall designate on their ballots what town, city or section of land they desire the county seat to be located upon, and a majority of all the votes cast shall determine the town, city or place where said county seat of Washington county aforesaid shall be and remain until changed by law.

Sec. 7. If no one town, city or place shall receive a majority of all the votes

cast at the first election under the provisions of this act, the county commissioners shall immediately convene on the first Saturday after said vote shall have been canvassed, and order another election, giving ten days' notice, as before, for a choice between the two places having received the highest number of votes at the first election, and the electors shall vote as before, but only upon the two places having the highest numbers, as before provided, and the said election shall be conducted and determined as before, and the town, city or place receiving the highest number of votes shall be and remain as provided in section 6 of this act.

Sec. 8. It shall be the duty of the county clerk of said county immediately after the canvass of the final vote under this act, to notify all county officers, by written notice, of the location of said county seat, and they shall within three months from the date of said notice, remove their respective offices, and all county property under their charge, to said place where said county seat shall be located, and any officers neglecting or refusing to do so shall be removed from office by the county commissioners, and some other person appointed in his place.

Sec. 9. If the place designated by the final vote shall be upon lands where there is no town or city, or if in the town selected there is no suitable place for public buildings, the county commissioners shall proceed to select and purchase forty acres of land, or such number of acres as they may deem for the best interest of the country, adjacent to the said town, city or tract, and have the same platted and laid off into lots, blocks, streets and alleys, according to law, and shall sell said lots at public auction on the grounds, after giving due notice thereof under such regulations as they may adopt, and the proceeds of the sale or sales shall be appropriated and expended, first to pay for the land, and the residue for the erection of county buildings.

Sec. 10. No money whatever, derived from the tax provided for by section 1 of this act, shall be expended, or appropriated for the purposes herein contemplated until after the determination of the location of the county seat of said Washington county by an election as provided for in sections 4, 5, 6 and 7, of this act.

Strike out words "section 4," and insert words "section 11."

The title was amended so as to read as follows :

"A Bill for an act to provide a fund for building a court house and jail in Washington county, and to re-locate the county seat thereof."

In which the concurrence of the Council is respectfully requested. Also, that the House has passed,

Council file No. 17,

A Bill for an act to incorporate Interior Lodge No. 9 of the Independent order of Odd Fellows, at Pawnee City, Pawnee county, N. T., without amendment. Also, the following House bills :

House file No. 84,

A Bill for an act to amend section 1 of an act to restrain bulls from running

at large in the counties of Cedar, Dixon, Dakota and Pawnee, and precinct of North Bend and Dodge county, N. T., approved Feb. 13, 1865.

House file No. 40,

A Bill for an act to change the boundary lines of Cass and Saunders counties.

House file No. 65,

A Bill for an act to amend an act entitled an act to restrain stock from running at large in Douglas county, Nebraska, approved Feb. 13, 1865.

House file No. 69,

A Bill for an act to authorize James M. Paulin, his heirs, associates and assigns to establish and keep a ferry across the Missouri river at Aspinwall, in Nemaha county.

House file No. 70,

A Bill for an act to amend an act entitled an act to restrain stock from running at large in Hall county, and in Kelly precinct at Douglas county, N. T.

House file No. 76,

A Bill for an act to authorize the board of education of Bellevue township and Bellevue City, Sarpy county, to levy a special tax for school purposes.

House file No. 92,

A joint resolution for railroad from Nebraska City, west.

House file No. 96,

A Bill for an act to vacate the town site of Yancton, Richardson county.

Substitute for House file No. 77,

A joint resolution, endorsing President Johnson's policy.

House file No. 78,

A preamble and joint resolution, protesting against any change by Congress of the organic act of the Territory of Nebraska.

House file No. 97,

Memorial and joint resolution for a mail route from Plattsmouth, Cass county, to Beatrice, Gage county, N. T.

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

Mr. Mason presented a petition from the soldiers of the 1st Nebraska Veteran cavalry.

Read, and

Referred to committee on military affairs.

Council file No. 23,

Memorial and joint resolution relative to mail routes, taken up.

Read first time.

Mr. Griffey moved to suspend the rules, read the resolution by title a second and third time, and put it on its passage,

Which motion was agreed to.

Council file No. 23,

Read by title second and third times,

Passed, and title agreed to.

Substitute for House file No. 77,

A joint resolution, endorsing President Johnson's policy taken up.

Mr. Griffey moved to suspend the rules, read the resolution by title first and second times, and refer to its appropriate committee,

Which motion was agreed to.

House file No. 77,

Read first and second times, and

Referred to committee on federal relations.

House file No. 40,

To change the boundary lines of Cass and Saunders counties, taken up.

Mr. Porter moved to suspend the rules, read the bill by title first and second times, and refer to its appropriate committee,

Which motion was agreed to.

Bill read first and second times by title.

Mr. Holladay moved to refer the bill to a special committee, consisting of the councilmen from Cass county.

Which motion was agreed to, and

The bill was referred to committee consisting of Messrs. Chapman and Miller.

House file No. 65,

To amend an act restraining stock from running at large in Douglas county, Nebraska, taken up.

On motion of Mr. Porter,

The rules were suspended, the bill read by title first and second times, and

Referred to committee consisting of councilmen from Douglas county.

House file No. 69,

To authorize J. M. Paulin to keep a ferry across the Missouri river, at Aspinwall, Nemaha county, taken up.

On motion of Mr. Porter,

The rules were suspended, the bill read by title a first and second time, and

Referred to committee on corporations.

House file No. 70,

To amend an act to restrain stock from running at large in Hall county, and in Kelly precinct, Douglas county, taken up.

On motion of Mr. Porter,

The rules were suspended, the bill read by title first and second times, and

Referred to special committee.

President appointed as such committee, Messrs. Porter and Kennedy.

House file No. 76,

To authorize the board of education of Bellevue township and Bellevue City, to levy a special tax for school purposes, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read first and second times by title, and

Referred to committee on education.

House file No. 78,

Joint resolution, protesting against any change, by Congress, of the organic act of this Territory, taken up.

Mr. Holladay moved to suspend the rules, read the bill by title first and second times, and refer to its appropriate committee.

On division,

Motion was lost.

Bill read first time by title.

House file No. 92,

Joint resolution for railroad from Nebraska City, west, taken up.

On motion of Mr. Chapman,

The rules were suspended, resolution read by title first and second times, and Referred to special committee, consisting of Messrs. Bennet and Mason, members from Otoe county.

House file No. 84,

To amend section 1 of an act to restrain bulls from running at large in the counties of Cedar, Dixon, Dakota and Pawnee, and precinct of North Bend in Dodge County, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title first and second times, and Referred to committee on agriculture.

House file No. 96,

To vacate the town site of Yancton, in Richardson county, taken up.

On motion Mr. McCasland,

The rules were suspended, the bill read by title first and second times, and Referred to committee on judiciary.

House file No. 97,

Memorial and joint resolution for a mail route from Plattsmouth, Cass county, to Beatrice, Gage county, taken up.

On Motion of Mr Chapman,

The rules were suspended, bill read by title first and second times, and Referred to committee on federal relations.

Mr. Allen, on leave, presented two petitions, one from Dennis Dean and 59 others of Cass county, and one from Leroy Warbriton and 39 others of Saunders county, relative to the boundary lines of Cass and Saunders county.

Referred to special committee, consisting of Messrs. Chapman and Miller.

Also, a petition from Henry E. Howard and 19 others, relative to herd law in Douglas county.

Referred to a special committee, consisting of Messrs. Porter and Kennedy.

House file No. 67,

To restrain stock from running at large in Cuming county, and parts of Otoe, Cass, Nemaha and Saunders counties, N. T., taken up.

On motion of Mr. Holladay,

The bill was read second time by title, and Referred to committee on agriculture.

Mr. Kennedy moved to suspend the rules, and consider the reports of committees made this morning, now,

Which motion was agreed to.

House file No. 54,

To authorize the county commissioners of Richardson county to award a special bounty for the destruction of wolves and wild cats, taken up.

Mr. Porter moved to indefinitely postpone the bill,

Which motion was agreed to.

House file No. 58,

To authorize county commissioners of Burt county to raise money to erect a court house and jail, taken up.

On motion of Mr. Allen,

The bill was made the special order for Wednesday, at 11 o'clock A. M.

Substitute for Council file No. 21,

To amend an act to restrain cattle, &c., from running at large in Richland and Fontenelle precincts, Washington county, taken up.

Mr. Miller moved to consider the bill in Council.

Which motion was agreed to.

Mr. Allen moved to adopt the substitute for the original bill,

Which motion was agreed to.

On motion of Mr. Allen,

The bill was read by title third time,

Passed, and title agreed to.

Substitute for House file No. 36,

To provide for the education of the deaf and dumb children in Nebraska, taken up.

Mr. Chapman moved to adopt the substitute,

Which motion was agreed to.

Mr. Chapman moved to re-commit the bill to the committee on finance,

Which motion was agreed to.

House file No. 46,

To authorize the county commissioners of Douglas county to apprentice paupers, as amended by the committee, taken up.

Mr. Chapman moved to consider the bill in Council,

Which motion was agreed to.

Mr. Kennedy moved to adopt the 1st amendment of the committee,

Which motion was agreed to.

Mr. Kennedy moved to adopt the amendment to the title recommended by the committee.

The President held that the title could only be amended when the title came up on the passage of the bill.

Mr. Chapman moved to lay the 2d amendment on the table,

Which motion was agreed to.

Bill read 3d time.

Passed.

Mr. Kennedy moved to amend the title by striking out all after the word "pauper," and inserting the word "minor" before the word "pauper."

Council file No. 16,

To incorporate the Union Transfer company, reported back by the committee on corporations with the following amendment:

Add to section 7 the following: Provided that the Legislature hereby reserves the right to alter or amend this act at any time; and Provided, further, that the Legislature shall have the power to repeal this act at any time after the expiration of a period of twenty years from the date of its passage, taken up.

Mr. Kennedy moved to adopt the amendment of the committee,
Which motion was agreed to.

On motion of Mr. Chapman,

The bill was ordered engrossed for a third reading to-morrow.

House file No. 72,

To incorporate the Nebraska City board of trade, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

Mr. Bennet moved to indefinitely postpone the bill,

Which motion was agreed to.

House file No. 73,

To incorporate the Nebraska City mercantile library association, taken up and considered in Council.

Mr. Bennet moved to indefinitely postpone the bill,

Which motion was agreed to.

Substitute for House file No. 64,

To authorize a ferry at Forest City, Sarpy county, taken up.

Mr. Blanchard moved to consider the bill in Council,

Which motion was agreed to.

Mr. Bennet moved to indefinitely postpone the bill,

Which motion was lost.

Mr. Chapman moved to amend the bill by adding, Provided that the Legislature hereby reserves the right to alter or amend this act at any time,

Which motion was agreed to.

Mr. Kennedy moved to read the bill by title a third time, and put it on its passage,

Which motion was agreed to.

Bill read third time,

Passed and title agreed to.

Council file No. 19,

To incorporate the Brownville, Tecumseh, Beatrice and Big Sandy wagon road company, reported from the committee on corporations with the following amendment:

Provided that nothing in this act shall absolve the several counties through

which the said road shall be located, from liability for any damages sustained by a neglect to keep the same in repair and good condition.

Mr. Holladay moved to adopt the amendment,

Which motion was agreed to.

On motion of Mr. Holladay,

The bill was ordered engrossed for a 3d reading to-morrow.

Council file No. 12,

To provide a fund to build a jail in Washington county, taken up.

Mr. Allen moved that the Council refuse to concur in the House amendments.

On division, the motion was lost.

Mr. Chapman moved to make the bill a special order for Thursday next at 11 o'clock A. M.

Which motion was agreed to.

Council now resolved itself into committee of the whole for the consideration of the report of the joint committee on revision,

Mr. Kennedy in the Chair.

After some time the committee rose and through their chairman, Mr. Kennedy, reported as follows:

Mr. President: The committee of the whole house have had under consideration

Chapters 40 and 50, 'part 1, revisors' report, entitled "schools" and "real estate," and direct me to report the same back to the Council and recommend that the same be adopted, and chapter 40, relative to schools, be engrossed for a 3d reading, and chapter 50 be passed without amendment.

B. E. B. KENNEDY,

Chairman.

On motion of Mr. Kennedy,

The report of the committee was adopted, and

Chapter 40 of Council file No. 4, part 1, ordered engrossed for a 3d reading to-morrow.

Mr. Chapman moved to suspend the rules, read chapter 50 of Council file No. 4, part 1, by title 3d time, and put it on its passage,

Which motion was agreed to.

Chapter read 3d time by title,

Passed, and title agreed to.

Mr. Holladay, from committee on engrossed bills, reported

Council file No. 4, chapters 51, 52, 54 and 36 of the revisors' report, correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Bennet, from the special committee on joint resolution relative to State constitution, on leave reported as follows:

Mr. President: Your special committee to whom was referred

Council file No. 22, joint resolution submitting a constitution for a State gov-

ernment, have had the same under consideration, and instructed me to report the same back and recommend its passage.

J. B. BENNET.

Mr. Chapman moved to suspend the rules and consider the report now,
Which motion was agreed to.

Mr. Chapman moved to read the bill 3d time, and put it on its passage,
Which motion was agreed to.

Mr. Miller moved to read the bill by title.

Mr. Kennedy called for the reading of the bill in full, for information.

Mr. Miller objected.

The question being, shall the bill be read at length?

The ayes and nays were ordered.

The ayes were: Messrs. Albertson, Allen, Blanchard, Faulkner, Kennedy and McCasland—6.

The nays were: Messrs. Bennet, Chapman, Griffey, Holladay, Miller and Porter—6.

The President voted No.

And the Council refused to read the bill in full.

Mr. Kennedy offered an amendment, as follows:

Strike out section 7 of "article relating to judiciary."

Mr. Bennet moved to lay the amendment on the table.

Mr. Allen called for the reading of the section.

The President held that the Council having once refused to read the whole bill, it was out of order to call for the reading of any part of it without first reconsidering the vote by which it refused to read the bill.

Mr. Chapman rose to a point of order,

That the bill having been ordered to be read a 3d time, amendments were out of order.

The President sustained the point of order, and decided the amendment out of order.

Council file No. 22,

Read 3d time by title.

The question being on its passage,

The ayes and nays were demanded and ordered.

The ayes were: Messrs. Bennet, Chapman, Griffey, Holladay, Miller and Porter—6.

Nays were: Messrs. Albertson, Allen, Blanchard, Faulkner, Kennedy and McCasland—6.

The President voted aye.

So the bill passed and title agreed to.

Chapter 36 of Council file No. 4, part 1.

On motion of Mr. Holladay,

The rules were suspended.

Chapter read 3d time by title,

Passed, and title agreed to.

Chapters 51 and 52 of Council file No. 4, part 1, taken up.

Mr. Chapman moved to suspend the rules, read the chapters by title 3d time and put them on their passage;

Which motion was agreed to.

Chapters read third time by title.

Passed, and title agreed to.

Chapter 54 of Council file No. 4, part 1, taken up.

Mr. Holladay moved to suspend the rules, read the chapter 3d time by title, and put it on its passage.

Which motion was agreed to.

Chapter read third time by title,

Passed, and title agreed to.

Mr. Bennet, on leave introduced

Council file No. 24,

A Bill for an act to define the boundaries of the several counties of Nebraska and to define new counties.

Mr. Griffey moved to suspend the rules, read the bill by title 1st and 2d times, and refer to its appropriate committee,

Which motion was agreed to.

Bill read by title 1st and 2d times, and

Referred to committee on counties.

Mr. Bennet moved to take a recess until 2 o'clock P. M.

Mr. Allen moved to adjourn.

Which motion was lost.

The question being on the motion of Mr. Bennet,

The motion was agreed to, and

The Council took a recess until 2 o'clock P. M.

After recess,

The President called the Council to order at 2 o'clock P. M.

Mr. Griffey moved to re-consider the vote by which the joint resolution, Council file No. 22, was passed.

Mr. Chapman moved a call of the house.

Roll call ordered.

Roll called.

Absent—Messrs. Blanchard, Bennet, Miller and McCasland.

On motion,

The sergeant-at-arms was dispatched after absentees.

Messrs. Blanchard, Bennet and McCasland appearing at the bar,

Mr. Allen moved that all further proceeding under the call be dispensed with,

Which motion was lost.

Mr. Miller appearing at the bar,

Mr. Allen moved that all further proceedings under the call be dispensed

Which motion was agreed to.

Mr. Porter moved that the clerk be instructed to erase the proviso to article 2, of section 2,

Which motion, by unanimous consent, was withdrawn.

The question being on Mr. Griffey's motion to reconsider the vote by which the resolution was adopted,

The motion was agreed to.

Mr. Griffey moved to re-consider the vote by which the bill was engrossed for 3d reading,

Which motion was agreed to.

Mr. Griffey moved to strike out of the bill the proviso to article 2, section 2

Which motion was agreed to, and

The proviso was stricken out.

Mr. Griffey moved to read the bill a 3d time by title, and put it on its passage.

Mr. Blanchard called for reading of the resolution with accompanying papers, in full, for information.

Mr. Griffey moved to dispense with the reading of the bill at length.

On division,

The ayes were 6; the nays 6.

The President voted nay, and

The joint resolution and accompanying papers were read for information in full.

Mr. Griffey moved that the joint resolution be read 3d time by title, and put upon its passage.

Mr. Bennet moved the previous question.

Mr. Kennedy moved to lay Mr. Griffey's motion on the table.

The ayes and nays being ordered, resulted:

Ayes—Messrs. Albertson, Allen, Blanchard, Faulkner, Kennedy, McCasland—6.

Nays—Messrs. Bennet, Chapman, Griffey, Holladay, Miller and Porter—6.

The President voted nay, and

The motion was lost.

The question being on the motion to put it on its passage,

The ayes and nays were ordered, and resulted as follows:

Ayes—Messrs. Bennet, Chapman, Griffey, Holladay, Miller and Porter—6.

Nays—Messrs. Albertson, Allen, Blanchard, Faulkner, Kennedy and McCasland—6.

The President voted aye, and

The motion was agreed to.

The question being, shall the bill pass?

The ayes and nays were ordered.

The ayes were—Messrs. Bennet, Chapman, Griffey, Holladay, Miller, McCasland and Porter—7.

Nays were—Messrs. Albertson, Allen, Blanchard, Faulkner and Kennedy—5.

So the bill passed, and title agreed to.

Mr. Bennet moved to re-consider the vote by which the bill was passed, and to lay that motion on the table.

On division,

The motion was agreed to.

Mr. Holladay, from the committee on enrolled and engrossed bills, reported as follows :

The following bills truly enrolled :

“ An Act to legalize the location of a Territorial road from the city of Platts-mouth, in Cass county, to intersect the Territorial road in section No. 3, in township No. 9, north of range No. 6, east of the principal meridian in Lancaster county, Nebraska.”

Memorial and joint resolution to the Hon. the secretary of war.

An act to incorporate the Great Nemaha Valley Mining company.

An Act for the location of a Territorial road from Dakota City *via* Dewitt, to West Point, Nebraska.

An Act to vacate a part of the town of North Pawnee City.

And after having the same signed by the speaker of the House, the President of the Council, and endorsed by the chief clerk of the Council, presented the same to the governor, for his approval, at half-past two o'clock, this, the 5th day of February, 1866.

A. S. HOLLADAY,
J. B. BENNET.

Mr. Kennedy moved to adjourn.

On division,

The motion was lost.

The following message from the governor was received :

EXECUTIVE OFFICE,
Omaha, February 5, 1866.

Mr. President : I am instructed by the Governor to inform this honorable body that he has signed and approved the following bills :

An Act to vacate a part of the town of North Pawnee City.

An Act to legalize the location of a Territorial road from the city of Platts-mouth, in Cass county, to intersect the Territorial road in section No. 3, in township No. 9, north of range No. 6, east of the 6th principal meridian, in Lancaster county, Nebraska. Also,

A memorial and joint resolution to the Hon. the secretary of war.

JAMES H. BARLOW,
Private Secretary.

Mr. Holladay moved to take a recess for 10 minutes,

On division,

The motion was lost.

Mr. Chapman moved that the Council adjourn,

Which motion was agreed to, and

The Council now adjourned.

TUESDAY, FEBRUARY 6, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll called.

Absent—None.

Prayer by the chaplain.

Journal read.

Pending the reading, Mr. Chapman moved to strike out from the journal of yesterday, the following words: "The President held that the bill passed the Council as read, and that the Council was competent to strike out any words in the bill which were not read when the bill was passed,

Which motion was agreed to.

Journal laid over until to-morrow.

A message from the House was received as follows:

HOUSE OF REPRESENTATIVES,

February 6, 1866.

Mr. President: I am instructed to inform the honorable Council that the House has passed

House file No. 42,

To incorporate the Gas Company of Omaha.

Substitute for House file No. 47,

A Bill for an act to authorize Douglas county to levy a special tax for the purpose of erecting bridges, and for other purposes.

House file No. 57,

A Bill for an act to re-define the boundaries of Cuming county.

House file No. 79,

Memorial and joint resolution relative to mail route from Dakota City, Nebraska, to Yancton, Dakota Territory.

House file No. 85,

A Bill for an act to legalize the collection of taxes for Cass county, for the year 1860.

House file No. 87,

A Bill for an act to allow county commissioners to build or repair bridges within the limits of incorporated towns or cities.

House file No. 90,

A Bill for an act to legalize the acts of Chas. H. Walker, of Saunders county, and John P. Loder and Richard Wallingford, of Lancaster, as road commissioners.

House file No. 95,

A Bill for an act to authorize the county commissioners of Sarpy county to levy a special tax for the relief of the general road fund of said county.

House file No. 86,

A Bill for an act to restrain cattle from running at large at night in Jones county.

House file No. 81,

A Bill for an act to locate a Territorial road from Ponca, Dixon county, to Niobrarah, L-eau-qui-court county ;

In which the concurrence of your honorable body is respectfully requested.

I am further instructed to inform you that the House has appointed, at your request, Messrs. Thorne, Gilmore and Crounse; as the committee on their part on the engrossment of bills, to confer with your committee in reference thereto.

GEO. MAY,

Chief Clerk of House.

Mr. Miller presented a petition from E. C. Lewis and 94 others, citizens of Cass county, praying for the attachment of Cass county to the 1st judicial district.

Mr. Chapman moved to refer the petition to a special committee of Councilmen from Cass county,

Which motion was agreed to.

Mr. Kennedy, from committee on judiciary, reported as follows :

Mr. President : Your committee on the judiciary have had under consideration the following named bills, and direct me to report them back to the Council without amendment, and recommend their passage :

House file No. 75,

A Bill for an act to vacate the town of Archer, in Richardson county.

House file No. 74,

A Bill for an act to vacate certain blocks in the town of Peru, with amendment attached, and recommend its passage as amended.

House file No. 96,

A Bill for an act to vacate the town site of Yancton, Richardson county, without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. McCasland, from the committee on federal relations, reported as follows :

Mr. President : Your committee to whom was referred

Substitute for House file No. 77,

A joint resolution endorsing President Johnson's policy,

Having had the same under consideration, report it back to the Council without amendment, and recommend its passage. Also,

House file No. 97,

Memorial and joint resolution for a mail route from Plattsmouth, Cass county, to Beatrice, Gage county, Nebraska,

Report it back and recommend its passage.

J. N. McCASLAND,

C. BLANCHARD,

A. S. HOLLADAY.

Mr. Miller, from the committee on education, reported as follows :

Your committee on education, to whom was referred

House file No. 76,

A Bill for an act to authorize the board of education of Bellevue township, and Bellevue City, Sarpy county, to levy a special tax for school purposes, Report the same back and recommend its passage.

J. G. MILLER,

A. S. HOLLADAY,

J. B. BENNET.

Mr. Miller, from the committee on finance, reported as follows :

Your committee on finance, to whom was recommitted

Substitute for House file No. 36,

An act to provide for the education of the deaf and dumb children in Nebraska, having had the same under consideration, have instructed me to report the same back to the Council with an amendment thereto attached, and recommend its passage.

J. G. MILLER,

J. R. PORTER,

J. N. McCASLAND.

Substitute for section 5 as follows :

Section 5. All expenses incurred under the provisions of this act shall be paid out of the Territorial treasury on the warrant of the Territorial auditor, Provided that before any account for such expenses shall be allowed by said auditor, such account shall be approved and certified as correct and just, by the governor.

Mr. Porter, from the special committee on House file No. 70, reported as follows :

Your committee to whom was referred

House file No. 70,

A Bill for an act to amend an act entitled an act to restrain stock from running at large in Hall county, and in Kelly precinct, Douglas county, Nebraska Territory,

Have had the same under consideration, and beg leave to refer it back to the Council and recommend the passage of the bill without amendment.

JOHN R. PORTER,

B. E. B. KENNEDY,

Mr. Kennedy, from joint committee on revision of the laws, reported as follows :

Mr. President: Your committee on revision have had under consideration Chapter 55, part 1, revisors' report, entitled "marriages,"

And direct me to report the same back to the Council and recommend its adoption.

B. E. B. KENNEDY,

Chairman,

Mr. Holladay gave notice of a memorial asking for a grant of land for railroad purposes westward from Brownville, Nebraska.

Mr. Chapman on leave presented petitions from W. Vermilion and 7 others, citizens of Saline county, relative to herd law.

Referred to committee on agriculture.

Mr. Allen on leave reported from the committee on counties as follows:

Mr. President: The committee on counties having had

Council file No. 24,

A Bill to define the boundaries of the several counties of Nebraska, and to establish new counties, under consideration, beg leave to report the same back to the Council and recommend that it be carefully considered in committee of the whole.

All of which is respectfully submitted.

E. A. ALLEN,
Chairman.

House file No. 81,

To locate a Territorial road from Ponca, Dixon county, to Niobrarah, taken up.

On motion of Mr. Griffey,

The rules were suspended, the bill read by title 1st and 2d time.

Referred to committee on highways, bridges and ferries.

House file No. 95,

To authorize the county commissioners of Sarpy county to levy a special tax for relief of road fund, taken up.

On motion of Mr. Blanchard,

The rules were suspended, the bill read 1st and 2d time by title,

Referred to committee on judiciary.

House file No. 90,

To legalize the acts of C. H. Walker, of Saunders county, John P. Sodes and Richard Wallingford, of Lancaster county, taken up.

On motion of Mr. Miller,

The rules were suspended, the bill read a 1st and 2d time by title,

Referred to committee on highways, bridges and ferries.

House file No. 87,

To allow county commissioners to build or repair bridges within the limits of incorporated towns or cities, taken up.

On motion of Mr. Griffey,

The rules were suspended, the bill read by title 1st and 2d time,

Referred to committee on judiciary.

House file No. 85,

To legalize the collection of taxes in Cass county for the year 1860, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title a 1st and 2d time, and

Referred to committee on judiciary.

House file No. 79,

Memorial relative to mail route from Dakota City, Nebraska, to Yanceton, Dakota Territory, taken up.

On motion of Mr. Griffey,

The rules were suspended, the bill read by title 1st and 2d time, and Referred to committee on judiciary.

House file No. 57,

To define the boundaries of Cuming county, taken up.

On motion of Mr. Griffey,

The rules were suspended, the bill read 1st and 2d time by title, Referred to committee on counties.

Message from the Governor as follows :

EXECUTIVE OFFICE,

February 6, 1866.

Mr. President: The Governor directs me to return to the Council an act to incorporate the Great Nemaha Valley mining company, without his approval, together with a message embodying his objections.

JAMES H. BARLOW,

Private Secretary.

To the President and gentlemen of the Council:

"An Act to incorporate the Great Nemaha Valley Mining company," is returned to the Council, where it originated, with my objections.

The act should, in my opinion, either require that some point or place within the Territory should be designated as the head-quarters for the company, or else an agency should be required to be located in it. Either one of these things should be done, or else a provision should be made, requiring that one or more of the directors should be residents of the Territory.

Again, the policy of allowing other corporations to own an unlimited amount of the capital stock is, in my opinion, a bad one. If they are permitted to own stock at all, they should be limited, so as not to allow them to be able to control the business of the company.

The amount of real estate owned by any incorporation of this kind, should be limited; that is, they should own no more than might be necessary to carry on the business of the company; and all mortgages on real estate should also have some limited time, at which they would expire unless renewed.

ALVIN SAUNDERS,

Substitute for House file No. 41,

To authorize Douglas county to levy a special tax, for erecting bridges, &c., taken up.

On motion of Mr. Kennedy,

The rule was suspended, the Bill read 1st and 2d times by title, and Referred to special committee.

The President appointed as such committee: Messrs. Porter and Kennedy.

House file No. 42,

To incorporate the Gas company of Omaha, taken up.

On motion of Mr. Griffey,

The rules were suspended, the

Bill read by title first and second times, and

Referred to special committee, consisting of Messrs. Kennedy and Porter.

House file No. 86,

To restrain cattle from running at large at night in Jones county, taken up.

On motion of Mr. Miller,

The rule was suspended, the

Bill read by title first and second times, and

Referred to committee on agriculture.

House file No. 78,

Joint resolution protesting against any change of the organic act, taken up.

Read second time.

Mr. Chapman moved to indefinitely postpone the further consideration of the joint resolution.

On division,

The motion was lost.

Bill referred to committee on federal relations.

Mr. Holladay moved to suspend the rules and consider the reports made this morning by the different committees,

Which motion was agreed to.

Mr. Chapman moved to instruct the committee on enrolled and engrossed bills to return chapter 40 of the revisors' report to the Council before engrossing the same.

Which motion was agreed to,

House file No. 75,

To vacate the town site of the town of Archer, in Richardson county, taken up.

On motion of Mr. Kennedy,

The bill was considered in Council.

Mr. Kennedy moved to read the bill a third time by title and put it on its passage,

Which motion was agreed to.

Bill read third time by title.

Passed, and title agreed to.

House file No. 74,

To vacate certain blocks in the town of Peru.

With the following amendment proposed by the committee on judiciary, taken up.

Strike out all of section 1, after the enacting clause, and insert the following :

"That so much of the original plat of the town of Peru, in Nehama county, and Territory of Nebraska, as is embraced within blocks 5, 6, 7, 8, 9, 10, 19, 20, 21, 22, 23, 24, 33, 34, 35, 36, 37, 38, 44, 45 and 46, is hereby vacated and the streets, alleys, lanes and public grounds embraced within the limits of

the tract above described, shall revert to, and become vested in the owner or owners of said blocks respectively."

Mr. McCasland moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Holladay,

The amendment proposed to section 1 was adopted.

Mr. Allen moved to read the bill a third time by title, and put it on its passage,

Which motion was agreed to.

Bill read third time by title,

Passed, and title agreed to.

House file No. 96,

To vacate the town site of Yancton, in Richardson county, taken up.

Mr. McCasland moved to consider the bill in Council,

Which motion was agreed to.

Mr. Faulkner moved to read the bill third time by title, and put it on its passage,

Which motion was agreed to.

Bill read third time by title,

Passed, and title agreed to.

Substitute for House file No. 77,

Joint resolution endorsing President Johnson, taken up.

Mr. Allen moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. McCasland,

The bill was read third time by title.

Question being, shall the resolution pass?

The ayes and nays were ordered.

Mr. Holladay moved to re-consider the vote by which the resolution was ordered read a third time.

Motion lost.

The ayes were—Messrs. Albertson, Allen, Blanchard, Bennet, Chapman, Faulkner, Griffey, Holladay, Kennedy, Mason, Miller, McCasland, Porter—13.

Nays—None.

The resolution was passed and title agreed to.

House file No. 97,

Memorial and joint resolution, relative to a mail route from Plattsmouth to Beatrice, Gage county, taken up.

Mr. McCasland moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Miller,

The bill was read third time,

Passed, and title agreed to.

Substitute for House file No. 36,

To provide for the education of deaf and dumb children, with amendment recommended by the committee, taken up.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to.

Mr. Kennedy moved to adopt the amendment of the committee on finance,

Which motion was agreed to.

On motion of Mr. Porter,

The bill was ordered engrossed for a third reading to-morrow.

House file No. 76,

To authorize the board of education of Bellevue township and Bellevue City to levy a special tax for school purposes, taken up.

Mr. Blanchard moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Blanchard,

The bill was read by title third time,

Passed, and title agreed to.

House file No. 70,

To amend an act to restrain stock from running at large in Hall county, and Kelly precinct, Douglas county, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Porter,

The bill was read third time,

Passed and title agreed to.

Chapter 55 of Council file No. 4, part 1, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

Mr. Griffey moved to read the chapter third time by title, and put it on its passage,

Which motion was agreed to.

Chapter read third time by title,

Passed, and title agreed to.

Council now resolved itself into committee of the whole on Council file No. 24.

Mr. Allen in the Chair.

After some time, the committee rose, and through their chairman, Mr. Allen, reported the bill back, recommending its indefinite postponement.

Mr. Griffey moved to adopt the report of the committee.

On division,

The motion was lost.

Mr. Chapman moved to re-commit the bill to a special committee of five.

On division, the motion was lost.

Mr. Griffey moved to indefinitely postpone the bill.

Motion ruled out of order.

Mr. Kennedy moved to re-commit the bill to a special committee of three.

On division, the motion was agreed to.

The President appointed as such committee Messrs. Chapman, Bennet and Faulkner.

The veto message of the governor taken up.

Mr. Allen moved that the message and accompanying papers be laid on the table,

Which motion was agreed to.

Mr. Chapman moved to reconsider the vote by which chapter 40 of the revisors' report was ordered engrossed,

Which motion was agreed to.

Mr. Griffey moved to consider the chapter in Council,

Which motion was agreed to.

Mr. Chapman offered the following substitute for section 41:

Section 41. The said examiner shall keep a record of his proceedings, noting the number and date of each certificate given, to whom, and for what term of time, and for what branches of study. It shall be the duty of the examiner to visit each school district in his county at least once in each year, counselling with school officers, visiting schools, and doing all he can to best advance the interests of schools in his county, and to make an annual report on or before the 5th day of November in each year, to the Territorial auditor. The said Examiner shall be entitled to receive the sum of two dollars for each day necessarily engaged in official service, as herein provided, to be paid out of the county treasury on the order of the county clerk; and the county clerk may require the account when presented to be substantiated on oath, which oath the said clerk may administer and file in his office;

And moved its adoption,

Which motion was agreed to, and

The substitute was adopted.

Mr. Griffey moved to order the chapter engrossed for 3d reading to-morrow,

Which motion was agreed to.

Mr. Holladay moved to take a recess for 10 minutes,

Which motion was agreed to, and

Council took a recess at 1:15 P. M.

After recess,

The President called the Council to order at 1:25 P. M.

Mr. Chapman moved to reconsider the vote by which the veto message and papers were laid on the table,

Which motion was agreed to.

Mr. Miller moved to reconsider the vote by which the bill was passed,

Which motion was agreed to.

Mr. Chapman moved to reconsider the vote by which the bill was ordered to a 3d reading,

Which motion was agreed to.

Mr. Chapman moved to recommit the bill to a special committee consisting of Messrs. McCasland, Holladay and Faulkner,

Which motion was agreed to.

Mr. Miller moved to adjourn,

Which motion was agreed to, and

The Council adjourned.

WEDNESDAY, FEBRUARY 7, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll call.

Absent—Messrs. Allen and Bennet.

Prayer by the Chaplain.

Journal of Monday taken up and read.

Pending the reading,

Mr. Kennedy moved to insert in the journal the words stricken out yesterday, as follows :

“The President held that the bill passed the Council as read, and that it was competent for the Council to strike out any words in the bill which were not read when the bill passed. Mr. Kennedy objected.”

Mr. Chapman rose to a point of order :

That the Council having ordered the words stricken out, they could not be inserted without first reconsidering the vote by which it was ordered erased.

Point of order sustained.

Mr. Kennedy offered the following :

“Mr. President : I move that the journal be amended—the journal of Monday, February 5, 1866—in accordance with the fact.”

The President held that the motion was in too indefinite a form for the Council to act upon, and so out of order.

Journal of Monday approved as corrected.

Journal of yesterday read and approved.

Message from the House as follows was received :

HOUSE OF REPRESENTATIVES,
February 7, 1866.

Mr. President : I am directed to inform the honorable Council that the House has passed

Council file No. 4, chapters 32, 33, 34 and 35 of part 1, of revisors' report, with the following amendments :

In section 13 of chapter 34 transpose the word “Cass,” and insert it immediately after the word “Douglas.”

And insert “Richardson” between words “Nemaha” and “Washington.”

In which the concurrence of the Council is respectfully requested.

Also, the House has passed

House file No. 98,

A Bill for an act to amend the charter of the city of Plattsmouth.

Substitute for House file No. 44,

A Bill for an act to provide for the funding of the outstanding warrants of the city of Omaha, and to create a sinking fund.

House file No. 94,

A Bill for an act to provide for the rendition of accounts by persons disbursing appropriations.

House file No. 89,

• A Bill for an act defining the time of session of the board of equalization for the counties of Dixon, Cedar, Dakota and Leau-qui-court.

House file No. 91,

Memorial and joint resolution praying Congress for land bounty to Nebraska troops.

House file No. 93,

A Bill for an act to change a location of a portion of Territorial road leading from St. Stephens to the military road from Leavenworth to Fort Kearney.

In which the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

Mr. Allen presented a petition from L. M. Kline and 10 others, relative to the vacating of a part of Cuming City.

Read, and

On motion of Mr. Allen,

Referred to a special committee.

President appointed as such committee, Messrs. Allen, Miller and Griffey.

Mr. Holladay, from committee on engrossed bills, reported

Council file No. 16,

A Bill for an act to incorporate the Union Transfer company.

Council file No. 19,

A Bill for an act to incorporate the Brownville, Tecumseh, Beatrice and Big Sandy wagon road company.

Council file No. 4, part 1, chapter 40 of the revisors' report.

Substitute for House file No. 36,

A Bill for an act to provide for the deaf and dumb children in Nebraska;

Correctly engrossed.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Blanchard, from the committee on highways, bridges and ferries, reported as follows:

Mr. President: Your committee, to whom was referred

House file No. 81,

An Act to locate a Territorial road from Ponca, Dixon county, to Niobrarah, Leau-qui Court county, Nebraska Territory,

Beg leave to report that they have had the same under consideration, and

hereby report the same back to the Council, and recommend its passage without amendment.

They have also had

House file No. 90,

A Bill for an act to legalize the acts of Chas. H. Walker, of Saunders county, and John P. Loder and Richard Wallingford, of Lancaster county, as road commissioners, under consideration, and hereby report the same back to the Council, without amendment, and recommend its passage.

February 7, 1866.

C. BLANCHARD,

GEO. FAULKNER,

ISAAC ALBERTSON.

Mr. Kennedy, from the committee on judiciary, reported as follows :

Mr. President: Your committee on the judiciary have had under consideration the following bills, and direct me to report the same back to the Council without amendment, and recommend their passage :

House file No. 79,

Memorial and joint resolution relative to mail route from Dakota City, Nebraska, to Yancton, Dakota Territory.

House file No. 87,

A Bill for an act to allow county commissioners to build or repair bridges within the limits of incorporated towns and cities.

House file No. 95,

A Bill for an act to authorize the county commissioners of Sarpy county to levy a special tax for the relief of the general road fund of said county.

Also,

House file No. 85,

A Bill for an act to legalize the collection of taxes in Cass county, for the year 1860.

And recommend that the same do not pass.

B. E. B. KENNEDY,

Chairman.

Mr. Bennet, from the special committee on House file No. 92, reported as follows :

Mr. President: Your special committee to whom was referred

House file No. 92,

A joint resolution for railroad from Nebraska City, west.

Having had the same under consideration, beg leave to report the same back, and recommend its passage.

J. B. BENNET,

O. P. MASON.

Mr. McCasland from special committee on Council file No. 15, reported as follows :

Mr. President: Your select committee, to whom was referred

Council bill No. 15,

And accompanying documents of his Excellency the Governor, having had

the same under consideration, ask leave to introduce a new bill instead thereof, No. 25.

J. N. McCASLAND,
A. S. HOLLADAY,
GEO. FAULKNER.

Mr. Porter, from the select committee on House file No. 42, reported as follows :

Mr. President: Your select committee have had under consideration
House file No. 42,
A Bill for an act to incorporate the Gas Company of Omaha,
And ask leave to report the same back to the Council without amendment,
and recommend its passage.

J. R. PORTER,
B. E. B. KENNEDY,

Mr. Porter, from the special committee on House file No. 65, reported as follows :

Mr. President: Your select committee, to whom was referred
House file No. 65,
A Bill for an act to amend an act entitled an act to restrain stock from running at large in Douglas county, Nebraska, approved Feb. 13, 1865.
Have had the same under consideration; would beg leave to refer the same back to the Council, and recommend that the bill be indefinitely postponed.

J. R. PORTER,
B. E. B. KENNEDY.

Mr. McCasland introduced
Council file No. 25,
A Bill for an act to incorporate the Richardson County Mining Company.
Mr. McCasland moved to suspend the rules, read the bill by title first and second times, and refer to its appropriate committee,
Which motion was agreed to,
Bill read first and second times by title, and
Referred to committee on corporations.
Mr. Holladay introduced
Council file No. 26,
Joint resolution and memorial, asking for a grant of land from Brownville, Nebraska, westward.

Mr. Holladay moved to suspend the rules, read the bill first and second times by title, and refer to special committee,
Which motion was agreed to.
Bill referred to committee, consisting of Messrs. Holladay, Faulkner, and McCasland.

Mr. Allen, on leave, introduced
Council file No. 27,
A Bill for an act vacating a part of Cuming City, Washington county.
Council file No. 27,

"A Bill for an act to vacate part of Cuming City, Washington county," taken up.

Mr. Allen moved to read the bill first and second times by title, and refer to special committee,

Which motion was agreed to.

Bill read first and second times by title.

Referred to committee consisting of Messrs. Allen, Griffey and Miller.

Mr. Holladay moved to suspend the rules, and consider the reports of committees made this morning, now,

Which motion was agreed to.

House file No. 65,

To amend an act restraining stock from running at large in Douglas county, taken up.

Mr. Allen moved to consider the bill in Council,

Which motion was agreed to.

Mr. Bennet moved to adopt the report of committee,

Which motion was agreed to.

Report adopted, and bill indefinitely postponed.

House file No. 42,

To incorporate the Gas Company of Omaha, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Kennedy,

The bill was read by title 3d time.

Question being, shall this bill pass?

The ayes and nays were ordered.

The ayes were—Messrs. Albertson, Allen, Blanchard, Chapman, Faulkner, Griffey, Holladay, Kennedy, Miller, McCasland and Porter—11.

The nays were—Mr. Bennet—1.

So the bill passed, and title was agreed to.

House file No. 92,

Joint resolution for railroad from Nebraska City, west, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Holladay,

The bill was read by title 3d time,

Passed, and title agreed to.

House file No. 79,

Memorial and joint resolution relative to mail route from Dakota City to Yancton, Dakota Territory, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Griffey,

The bill was read by title 3d time,

Passed, and title agreed to.

House file No. 87,

To allow county commissioners to build or repair bridges within the limits of incorporated towns, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

Mr. Griffey moved to indefinitely postpone the bill,

Which motion was lost.

Mr. Allen moved to read the bill 3d time by title, and put it on its passage,

Which motion was agreed to.

Bill read 3d time by title,

Passed, and title agreed to.

House file No. 85,

To legalize the collection of taxes in Cass county for the year 1860, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

Mr. Chapman moved to amend the bill by striking out the words "deed or" in 3d line of section 2,

Which amendment was adopted.

Mr. Porter moved to adopt the report of the committee, which was that the bill do not pass.

Mr. Miller moved to lay the motion on the table.

On division,

The ayes were 6, the nays 6.

The President voted no, and

The motion was lost.

The question being on Mr. Porter's motion,

On division,

The motion was lost.

On motion of Mr. Chapman,

The bill was referred to a special committee consisting of the Councilmen from Cass county.

House file No. 95,

To authorize the county commissioners of Sarpy county to levy a special tax for the benefit of the road fund, taken up.

Mr. Blanchard moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Blanchard,

The bill was read by title a 3d time,

Passed, and title agreed to.

House file No. 90,

To legalize the acts of Chas. H. Walker, of Saunders county, and John P. Loder and Richard Wallingford, of Lancaster county, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Miller,

The bill was read by title 3d time,

Passed, and title agreed to.

House file No. 81,

To locate a Territorial road from Ponca to Niobrarah, taken up.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. McCasland,

The bill was read 3d time by title,

Passed, and title agreed to.

Mr. Kennedy on leave reported from the joint committee on the revision of the laws, as follows :

Mr. President : Your committee on revision have had under consideration

Title 15, article 1, part 2d, Council file No. 4, revisors' report,

And direct me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Council file No. 19,

To incorporate the Brownville, Tecumseh, Beatrice and Big Sandy wagon road company, taken up.

On motion of Mr. Holladay,

The bill was read by title 3d time,

Passed, and title agreed to.

Substitute for House file No. 36,

To provide for the education of deaf and dumb children, taken up.

On motion of Mr. Miller,

The bill was read by title 3d time,

Passed, and title agreed to.

Mr. Bennet moved to take a recess until 2 o'clock, P. M.,

Which motion was agreed to, and

The Council took a recess until 2 o'clock, P. M.

After recess,

The President called the Council to order at 2 o'clock, P. M.

Council file No. 16,

To incorporate the Union Transfer company, taken up.

Mr. Griffey moved to read the bill 3d time by title, and put it on its passage,

Which motion was agreed to.

Bill read 3d time by title.

Question being on the passage of the bill,

The ayes and nays were ordered.

The ayes were : Messrs. Allen, Blanchard, Chapman, Faulkner, Griffey, Holladay, Kennedy, Miller, McCasland and Porter—10.

The nays were : Messrs. Albertson and Bennet—2.

So the bill was passed and title agreed to.

Chapter 40 of Council file No. 4, part 1, taken up.

Mr. Kennedy moved to read the chapter by title 3d time and put it on its passage,

Which motion was agreed to.

Chapter 40 read 3d time,

Passed, and title agreed to.

Special order:

House file No. 58,

To authorize the county commissioners of Burt county to raise money to erect a court house and jail, taken up.

Mr. Allen moved to suspend the rules and read the bill 3d time by title, and put it on its passage.

Mr. Miller moved to re-commit the bill to the committee on judiciary, with instructions to strike out the words "two-thirds," and insert "a majority,"

Which motion was lost.

Question being on the motion of Mr. Allen,

The motion was agreed to,

Bill read 3d time by title,

Passed, and title agreed to.

Special order No. 2:

House file No. 51,

A Bill for an act to incorporate the Western Transportation company, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

Mr. Chapman moved to amend the bill by striking out the word "perpetual" in the 13th line of the 1st section,

Which motion was agreed to.

Mr. Chapman moved to amend the bill by adding to section 1, as follows:

And provided further, that the Legislature hereby reserves the right to alter or amend this charter at any time, and to repeal the same at any time after the expiration of ten years from and after the date of its passage,

Which motion was agreed to, and

The amendment was adopted.

Mr. Mason moved to amend the bill by adding to section 4 the following:

Providing that the said corporation, and the individuals constituting the same, shall be personally liable on contracts of affreightment, for carelessness or negligence of its agents or servants."

Pending the debate,

Mr. Griffey rose to a point of order,

That the member from Otoe, Mr. Mason, could not speak more than twice on the same question.

Point of order yielded to.

Mr. Kennedy moved to read the bill a third time and put it on its passage.

On division,

The ayes were 6, the nays 6.

The President voted aye, and

The motion was agreed to.

Bill read 3d time,

Passed, and title agreed to.

Council now resolved itself into committee of the whole on consideration of the report of the committee on revision of the laws,

Mr. Kennedy in the Chair.

After some time the committee rose and through their chairman, Mr. Kennedy, reported as follows:

Mr. President: Your committee of the whole house have had under consideration

Title 15, article 1, part 2, Council file No. 4, revisors' report,

And direct me to report the same back to the Council without amendment, and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. Chapman moved to adopt the report of the committee of the whole,

Which motion was agreed to.

Council file No. 4, title 15, article 1, part 2, taken up.

Mr. Kennedy moved to read the bill by title a 3d time and put it on its passage,

Which motion was agreed to.

Title 15 read by title 3d time,

Passed, and title agreed to

House file No. 44,

To provide for the funding of the outstanding warrants of the city of Omaha, taken up.

On motion of Mr. Kennedy,

The rules were suspended, the bill read first and second times.

Referred to special committee consisting of the members from Douglas county.

House file No. 94,

A Bill for an act to provide for the rendition of accounts by persons disbursing appropriations, taken up.

On motion of Mr. Holladay,

The rules were suspended, the bill read by title first and second times, and

Referred to committee on finance.

House file No. 89,

A Bill for an act defining the time of session of the board of equalization for the counties of Dixon, Cedar and Leau-qui-court, taken up.

On motion of Mr. Griffey,

The rules were suspended, bill read by title first and second times, and

Referred to a special committee.

The President appointed as such committee, Messrs. Griffey, Allen and Chapman.

House file No. 91,

Memorial and joint resolution praying Congress for land bounty to Nebraska troops, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title first and second times.

Referred to committee on federal relations.

House file No. 98,

A Bill for an act to amend the charter of the city of Plattsmouth, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title 1st and 2d times, and

Referred to committee consisting of the members from Cass county.

House file No. 93,

A Bill for an act to change a location of a portion of the Territorial road leading from St. Stephens to the Military road from Leavenworth to Fort Kearney, taken up.

On motion of Mr. McCasland,

The rules were suspended, the bill read by title 1st and 2d times.

Referred to committee on highways, bridges and ferries.

Council file No. 4, part 1, chapters 32, 33, 34 and 35, with House amendment to the same, taken up.

On motion of Mr. Chapman,

The Council concurred in 1st House amendment to section 13 of chapter 34, and

On motion of Mr. Kennedy,

The Council concurred in the 2d amendment by the House, to section 13 of chapter 34.

Mr. Chapman moved to take up the House amendment to section 123, chapter 14 of revisors' report, entitled "decedents,"

Which motion was agreed to.

Mr. Chapman moved to take up Mr. Kennedy's motion, laid over February 2d, to reconsider the vote by which the Council refused to recede from its non-concurrence in House amendments to section 123, chapter 14.

On division,

Motion agreed to.

Mr. Miller moved that the Council recede from their refusal to concur in amendments by the House to said chapter.

On division,

Motion was agreed to, and

Council concurred in House amendments.

Mr. Griffey, from the special committee on House file No. 89, on leave, reported as follows :

Mr. President : Your special committee to whom was referred

House file No. 89,

A Bill for an act defining the time of session of the board of equalization for the counties of Dixon, Cedar, Dakota and L-eau-qui-court;

Having had the same under consideration, instruct me to report the same back to the Council and recommend its passage without amendment.

All of which is respectfully submitted.

THOS. L. GRIFFEY,
Chairman.

Mr. Kennedy moved to suspend the rules and consider the report of the committee now,

Which motion was agreed to.

House file No. 89,

To define the time of holding sessions of the board of equalization for the counties of Dixon, Cedar and L-eau-qui-court, taken up.

Mr. Kennedy moved to consider the bill in Council.

Which motion was agreed to.

On motion of Mr. Griffey,

The bill was

Read third time by title,

Passed, and title agreed to.

Mr. Allen, from select committee, made the following report:

Mr. President: Your select committee to whom was referred

Council file No. 27,

A Bill for an act vacating a part of Cuming City, Washington county, Nebraska Territory,

Have instructed me to report the same back to the Council and recommend its passage without amendment.

E. A. ALLEN,
THOS. L. GRIFFEY,
J. G. MILLER.

Mr. Allen moved to suspend the rules and consider the report now,

Which motion was agreed to.

House file No. 27,

A Bill for an act vacating a part of Cuming City, Washington county, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

Mr. Allen moved to read the bill by title 3d time, and put it on its passage,

Which motion was agreed to.

Bill read by title 3d time,

Passed, and title agreed to.

Mr. Chapman moved to take up the veto message of the governor on

Council file No. 15,

A Bill for an act to incorporate the Great Nemaha Valley Mining company,

Which motion was agreed to.

The question being, shall the bill pass, the governor's veto to the contrary notwithstanding?

The ayes were: Messrs. Albertson, Allen, Blanchard, Faulkner, Griffey, Kennedy and Porter—7.

Nays: Messrs. Bennet, Chapman, Holladay, Miller, McCasland and the President—6.

So the bill was lost.

On motion of Mr. Kennedy,
The Council now adjourned.

THURSDAY, FEBRUARY 8, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

All present.

Prayer by the chaplain.

Journal read and approved.

On motion of Mr. Faulkner,

Mr. McCasland was granted leave of absence for the day.

Mr. Porter, from committee on finance, reported as follows:

Your committee on finance, to whom was referred

House file No. 94,

A Bill for an act to provide for the rendition of accounts by persons disbursing appropriations,

Have had the bill under consideration, and beg leave to report it back to the Council without amendment, and recommend the passage of the same.

J. R. PORTER,

J. G. MILLER.

Mr. Blanchard, from the committee on highways, bridges and ferries, reported as follows:

Mr. President: Your committee to whom was referred

House file No. 93,

A Bill for an act to change the location of a portion of the Territorial road leading from St. Stephens to the military road from Leavenworth to Fort Kearney;

Beg leave to report that they have had the same under consideration, and hereby report the same back to the Council and recommend its passage without amendment.

February 8, 1866.

C. BLANCHARD,

ISAAC ALBERTSON,

GEO. FAULKNER.

Mr. Holladay, from the select committee on Council file No. 26;

Mr. President: The select committee to whom was referred Council file No. 26, Joint memorial and resolution relative to grant of land from Brownville, Nebraska, westward,

Have had the same under consideration, and respectfully report the same back and recommend its passage without amendment.

A. S. HOLLADAY,

GEO. FAULKNER.

Mr. Porter, from the select committee on House file No. 44, reported as follows:

Mr. President: Your select committee to whom was referred House file No. 44,

Substitute for a bill for an act to provide for the funding of the outstanding warrants of the city of Omaha, to create a sinking fund, and for other purposes,

Have had the same under consideration and beg leave to refer it back to the Council with an amendment, and recommend its passage as amended.

J. R. PORTER,

B. E. B. KENNEDY.

Add to the end of section 3:

Provided the provisions of this act shall not extend to, nor include, the bonding of any portion of the Omaha City scrip, issued in the year 1857, nor any warrant, order or bond given in lieu of such scrip.

Mr. Porter, from the select committee on House file No. 47, reported:

Mr. President: Your select committee to whom was referred House file No. 47,

Have had the bill under consideration, and beg leave to refer the same back to the Council without amendment, and recommend the passage of the Bill for an act to authorize Douglas county to levy a special tax for the purpose of erecting bridges, and for other purposes.

J. R. PORTER,

B. E. B. KENNEDY.

Mr. Allen on leave reported:

Mr. President: The committee on counties having had under consideration House file No. 57,

A Bill for an act to re-define the boundaries of Cuming county,

Have instructed me to report the same back to the Council without recommendation.

E. A. ALLEN,

GEO. FAULKNER,

C. BLANCHARD.

Mr. Allen asked leave to introduce a bill of which no notice had been given.

Mr. Griffey objected.

On division,

Leave was refused.

Mr. Allen gave notice of

A Bill for an act to raise a fund to build a jail for Washington county, Nebraska Territory.

Mr. Griffey moved to suspend the rules and consider the reports made by committees this morning,

Which motion was agreed to.

Mr. Bennet, on leave, reported :

Mr. President: Your committee to whom was referred

House file No. 67,

A Bill for an act to restrain stock from running at large in Cuming county, and parts of Otoe, Cass, Nemaha and Saunders counties, N. T., have had the same under consideration, and hereby report the same back without recommendation.

J. B. BENNET.

A. S. HOLLADAY.

J. G. MILLER.

House file No. 57,

To re-define the boundaries of Cuming county, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

The following message from the House was received :

HOUSE OF REPRESENTATIVES,

February 9, 1866.

Mr. President: I am instructed by the House to inform your honorable body that the House has passed,

Council file No. 4, chapters 22, 23, 24 and 25, part 1, of revisors' report, with the following amendments :

1. That the words "section 15," the numbering of the sections between sections 3 and 4 of chapter 22, be stricken out, and that said "section 15," be incorporated with, and made a part of said "section 3."

2. Amend section 13 of same chapter by inserting after the word "agents," in the 11th line, these words, "has or have his or their office of business, as such agent or agents."

3. Amend section 20 of same chapter by inserting after the word "hundred," in the 6th line, the words "and twenty."

4. Amend section 32, after the word "time," in the 1st line, insert the words "to time."

5. Amend section 38 by striking out the word "the," after the word "as," in the 6th line, and also by inserting this proviso at the end of same section :

"Provided, that in all cases when the rules, regulations, laws or discipline of any religious or church denomination or organization prescribe the qualifications and mode of election of such trustees or directors, such mode of election, and such qualifications shall be deemed and held to be lawful, and the trustees and directors so chosen or elected, shall have the same power, rights and au-

thority as those elected and chosen under the special provisions of this chapter.

And provided, further, that vacancies occurring in said board of trustees or directors, may likewise be filled by the rules, regulations, laws and discipline of such religious or church denomination or organization."

6. Amend section 48 by striking out the word "of," following the word "rule," in 2d line.

7. Sec. 50, strike out the word "act," and insert "sub-division" in lieu thereof.

8. Sec. 138, strike out "sub-division," and insert "chapter" in its place.

Same sec., strike out "division," and insert "diversion" in its place.

9. Sec. 25, strike out "fifteen," in 2d line, and insert "twelve" in its place. Also,

House file No. 101,

A Bill for an act to incorporate the Credit Foncier of America. Also,

Council file No. 4, chapter 39, part 1, revisors' report, with the following amendments :

10th line of section 33, strike out "one dollar," and insert "two dollars;" and in 13th and 14th lines, strike out "one dollar and fifty cents," and insert "two dollars;" and in 7th line of second sub-division of said section, strike out all after the word "taxed," and insert "and the certificate of the supervisors, certifying that the person named therein has actually performed 8 hours labor for each day's work, so certified, shall be received by the county treasurers for their several amounts, in discharge of said tax." Also,

Council file No. 20,

A Bill for an act to amend an act to authorize the town council of Nebraska City to raise money to erect a central or high school building, approved Feb. 15, 1864, with the following amendment:

All of section 20 stricken out. Also,

Council file No. 10,

A Bill for an act to revise an act, entitled an act to consolidate the corporations of Nebraska City, South Nebraska City, and Kearney City, and incorporate Nebraska City, approved Dec. 31, 1857, and the several amendments to said act, with the following amendments :

In 21st line of section 5, strike out the word "alderman," and insert the words "city council" instead thereof.

In 22d line of sec. 5, strike out the words "with the mayor."

Sec. 7, strike out all after the word "elections," in the 3d line.

Sec. 6, strike out all after the word "election," in the 3d line. Also, all of the 4th and 5th lines, and to word "is," in 6th line.

In sec. 8, strike out the words "one year," in the 4th line, and insert the words "six months in the Territory, 30 days in the county, 10 days in the city or precinct."

Substitute for Council file No. 21,

A Bill for an act to repeal an act to amend an act relative to a herd law in

Richland and Fontenelle precincts, approved Feb. 10th, 1864, so far as the same relates to Richland precinct, without amendment. Also,

House file No. 82,

A Bill for an act to authorize a geological survey in the Territory of Nebraska. Also,

Substitute for House file No. 71,

A Bill for an act to create a board of immigration, and to encourage immigration to Nebraska.

And the concurrence of the Council is respectfully requested to the several Council files, and the House bills.

GEO. MAY,

Chief Clerk of House.

Mr. Chapman moved to make the bill, House file No. 57, the special order of Feb. 9, 1866.

Which motion was lost.

On motion of Mr. Griffey,

The bill was read by title 3d time.

On passage,

The ayes and noes were ordered.

The ayes were—Messrs. Albertson, Blanchard Bennet, Faulkner, Griffey, Kennedy and Porter—7.

The nays were—Messrs. Chapman, Holladay, Miller—3.

So the bill was passed, and title agreed to.

Message from the House was received as follows :

HOUSE OF REPRESENTATIVES,

February 8, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

House file No. 108,

A Bill for an act to provide for building a court house and jail in Washington county, and to re-locate the county seat thereof.

In which the concurrence of your honorable body is requested.

GEO. MAY,

Chief Clerk of House.

Mr. Chapman, on leave, reported as follows;

Mr. President: Your committee on corporations, to whom was referred

House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company, have instructed me to report the same back to the Council, with amendments attached thereto, and recommend the adoption of the amendments, and that the bill be considered in committee of the whole.

J. W. CHAPMAN,

Chairman.

House file No. 47,

To authorize Douglas county to levy a special tax, for the purpose of erecting bridges, and for other purposes, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Porter,

The bill was read by title 3d time,

Passed, and title agreed to.

Council file No. 26,

Joint resolution, asking for grant of land from Brownville, westward, taken up.

Mr. Holladay moved to consider the bill in Council, read by title third time, and put it on its passage,

Which motion was agreed to.

Bill read by title 3d time.

Passed, and title agreed to.

House file No. 93,

To change the location of a portion of the Territorial road from St. Stephens to the military road from Leavenworth to Fort Kearney, taken up.

Mr. Holladay moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Holladay,

The bill was read by title 3d time.

Passed, and title agreed to.

House file No. 94,

To provide for the rendition of accounts by persons disbursing appropriations, taken up.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Miller,

The bill was read by title 3d time.

Passed, and title agreed to.

Mr. Porter moved to suspend the rules, and consider the balance of the reports made this morning,

Which motion was agreed to.

House file No. 44,

To provide for the funding of outstanding warrants of the city of Omaha, and to create a sinking fund, and for other purposes; with amendments by the committee, taken up.

Mr. Porter moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Kennedy,

The amendment to section 3, of the bill was adopted.

On motion of Mr. Kennedy,

The bill was read by title 3d time,

Passed, as amended, and title agreed to.

House file No. 67,

To restrain stock from running at large in Cuming county and part of Otoe, Cass, Nemaha and Saunders counties, taken up:

Council resolved itself into committee of the whole, on

House file No. 67,

Mr. Allen in the Chair.

After some time, the committee rose, and through their chairman, reported the bill back, and recommended its indefinite postponement.

On motion of Mr. Holladay,

The report of the committee of the whole was adopted, and

The bill was indefinitely postponed.

Council resolved itself into the committee of the whole, on

House file No. 63,

To incorporate the Omaha Insurance Company.

Mr. Chapman in the Chair.

After some time, the committee rose, reported progress, and asked leave to sit again.

On motion of Mr. Holladay,

The Council took a recess until 2 o'clock P. M.

After recess,

The President called the Council to order at 2 o'clock, P. M.

Mr. Kennedy moved a call of the house,

Which was ordered.

Roll call.

Absent—Messrs. Allen, Bennet, Chapman, Miller and Porter.

Mr. Kennedy moved that the sergeant-at-arms be dispatched after absentees, Which motion was agreed to.

Messrs. Allen and Miller appearing at the bar,

Mr. Kennedy moved that they be admitted within the bar without excuse, Which motion was agreed to.

Mr. Kennedy moved that all further proceedings under the call be dispensed with,

Which motion was agreed to.

Mr. Kennedy moved that the door-keeper be excused from farther attendance until further orders,

Which motion was agreed to.

Substitute for Council file No. 20,

To amend an act to authorize the town council of Nebraska City to raise money to erect a high school building, with House amendments, taken up.

On motion of Mr. Bennet,

The Council refused to concur in the House amendment to section 20 of Council file No. 20.

Mr. Bennet moved that a committee of two be appointed, on the part of the Council to confer with a committee to be appointed on the part of the House, on the disagreement of the two houses on Council file No. 20,

Which motion was agreed to.

Mr. Bennet moved that the members from Otoe county be appointed such committee,

Which motion was agreed to.

House file No. 101.

A Bill for an act to incorporate the Credit Foncier of America, taken up.

Read 1st time.

Mr. Kennedy moved to suspend the rules, read the bill by title 2d time now.

On division,

Eight voting in the affirmative and 4 voting in the negative,

The motion was agreed to.

The bill read by title 2d time.

Mr. Kennedy moved to suspend the rules and consider the bill in Council now.

Pending the debate,

Mr. Holladay rose to a point of order,

That it appeared from the bill that it had been once acted upon by the Council and vetoed by the Governor, and that it was out of order, it not appearing before the Council in the way prescribed by law for vetoed bills.

Point of order not sustained.

Message from the Governor as follows :

EXECUTIVE OFFICE,

OMAHA, Feb. 8, 1866.

Mr. President: I am directed by the Governor to inform this honorable body that he has signed and approved,

An Act for the location of a Territorial road from Dakota City *via* De Witt to West Point, Nebraska.

JAMES H. BARLOW,

Private Secretary.

Question being on the motion of Mr. Kennedy,

The ayes and nays were ordered.

The ayes were: Messrs. Albertson, Allen, Blanchard, Chapman, Faulkner, Griffey, Kennedy and Porter—8.

The nays were: Messrs. Bennet, Holladay, Miller, and the President—4.

And the rules were suspended and the bill considered in Council.

Mr. Kennedy moved to read the bill by title 3d time and put it on its passage.

The ayes and nays ordered.

The ayes were: Messrs. Albertson, Allen, Blanchard, Chapman, Faulkner, Griffey, Kennedy, Miller and Porter—9

The nays were: Messrs. Bennet, Holladay and the President—3.

And the motion was agreed to.

Mr. Chapman objected to the President voting.

The President held that he had a right to vote when he saw fit to do so.

Bill read 3d time by title.

Mr. Chapman moved to reconsider the vote by which the bill was ordered to a 3d reading.

On division motion lost.

Question being on the passage of the bill,

The ayes and nays were ordered.

The ayes were: Messrs. Albertson, Allen, Blanchard, Faulkner, Griffey, Kennedy, Miller and Porter—8.

The nays were: Messrs. Bennet, Chapman, Holladay and the President—4.

Mr. Kennedy moved that the Clerk be instructed to request the House to return House file No. 51 to the Council for further amendment.

Which motion was agreed to.

Mr. Kennedy on leave reported as follows:

Mr. President: Your committee on revision have had under consideration Part 3, Criminal Code, chapter 1, Council file No. 4, revisors' report, And direct me to report the same back to the Council and recommend its adoption.

B. E. B. KENNEDY,

Chairman.

Message from the House as follows was received:

HOUSE OF REPRESENTATIVES,

February, 8, 1866.

Mr. President: I am instructed to return herewith

Council file No. 22,

Joint resolution submitting a constitution for a State government to the people for their approval or rejection,

And inform the Council that the House has passed the same without amendment.

GEO. MAY,

Chief Clerk of House..

Chapters 22, 23, 24 and 25, part 1 of Council file No. 4, taken up.

On motion,

The House amendments as follows:

First amendment, and amendment to sections 13, 20, 32, 48, 50, 138, of chapter 22,

Were concurred in by the Council.

House amendment to section 38, chapter 22, taken up.

Mr. Miller moved to concur,

Which motion was lost.

On motion of Mr. Kennedy,

The Council refused to concur in amendment to section 38, of chapter 22.

On motion,

The Council concurred in House amendment to section 1, chapter 25, of Council file No. 4.

House file No. 82,

A Bill for an act to authorize a geological survey of the Territory of Nebraska, taken up.

Mr. Kennedy moved to suspend the rules, read the bill by title 1st and 2d time,

Which motion was agreed to.

Bill read by title 1st and 2d time.

Mr. Miller moved to refer to special committee.

Motion agreed to.

President appointed as such committee, Messrs. Miller, Faulkner and Griffey.

Mr. Miller asked to be excused from serving on the committee,

Which was refused.

House file No. 71,

A Bill for an act to create a board of immigration, and to encourage immigration to Nebraska, taken up.

On motion of Mr. Kennedy,

The rules were suspended,

Bill read by title 1st and 2d time.

Referred to committee on finance.

House file No. 108,

A Bill for an act to provide for building a court house and jail in Washington county, and to re-locate the county seat thereof, taken up.

On motion of Mr. Allen,

The bill was read by title 1st and 2d time and

Referred to special committee consisting of Messrs. Allen and Griffey.

Council file No. 10,

To revise an act to consolidate the corporations of Nebraska City, South Nebraska City and Kearney City, with amendments of the House, taken up.

On motion,

The Council concurred in all the House amendments to bill, except amendment to sections 6 and 7, which were not concurred in.

Chapter 39 of Council file No. 4, with House amendments, taken up.

On motion,

The Council concurred in House amendment as follows: Lines 13 and 14 of section 33, and line 7th in 2d sub-division of section 33, and

On motion of Mr. Kennedy,

The Council refused to concur in House amendment to line 10, section 33, of chapter 39.

Mr. Chapman moved that the clerk be instructed to request the House to return House file No. 92 to the Council for further amendment,

Which motion was agreed to.

Mr. Chapman on leave reported as follows:

Mr. President: Your select committee to whom was referred

House file No. 40,

A Bill for an act to change the boundary lines of Cass and Saunders counties,

Beg leave to report the same back without recommendation.

J. W. CHAPMAN,

J. G. MILLER.

Mr. Chapman on leave reported as follows :

Mr. President: Your committee on corporations to whom was referred Council file No. 25,

A Bill for an act to incorporate the Richardson county mining company,

Having had the same under consideration instruct me to report it back to the Council with an amendment attached thereto, and recommend its passage as ammended.

Add to section 5 the following :

Provided that the Legislature hereby reserves the right to alter or amend this act at any time from and after its passage ; and the further right is hereby reserved to repeal the same after the expiration of twenty years from the date of its passage.

Also,

House file No. 69,

A Bill for an act to authorize James M. Paulin, his heirs, associates and assigns, to establish and keep a ferry across the Missouri river, at Aspinwall, in Nemaha county,

Instruct me to report the same back to the Council with an amendment attached thereto, and recommend its passage as amended.

All of which is respectfully submitted.

J. W. CHAPMAN,

Chairman.

On motion of Mr. Kennedy,

A committee of three was appointed to confer with a committee on the part of the House on the disagreements between the two bodies.

President appointed as such committee, Messrs. Kennedy, Bennet and Chapman.

Mr. Kennedy moved to suspend the rules, and consider the reports of committees now,

Which motion was agreed to.

Mr. Allen asked leave of absence for the rest of the day,

Which was granted.

House file No. 40,

To change the boundary line of Cass and Saunders counties, taken up.

Mr. Chapman moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Chapman,

The bill was read by title 3d time,

Passed, and title agreed to.

House file No. 69,

To authorize J. M. Paulin to keep a ferry at Aspinwall, taken up.

On motion of Mr. Holladay,

The bill was indefinitely postponed.

Council file No. 25,

To incorporate the Richardson mining company.

Mr. Faulkner moved to consider the bill in Council,

Which motion was agreed to, and

On motion of Mr. Faulkner,

The bill was read by title 3d time,

Passed, and title agreed to.

Chapter 1, part 3d of Council file No. 4, taken up.

Mr. Holladay moved to consider the chapter in Council,

Which motion was agreed to.

Mr. Porter moved to read the chapter 3d time by title and put it on its passage,

Which motion was agreed to.

Chapter read 3d time,

Passed, and title agreed to.

Mr. Holladay moved to adjourn,

Which motion was agreed to, and

The Council adjourned.

FRIDAY, FEBRUARY 9, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll call.

Absent—Messrs. Allen and Miller.

Prayer by the Chaplain.

Journal read.

Pending the reading,

Mr. Chapman moved to re-consider the vote by which the vote on the passage of House file No. 92 was re-considered, and that so much as relates to the re-consideration of the vote by which the bill passed, on the journal of yesterday, be stricken out,

Which motion was agreed to.

Journal of yesterday approved as amended.

Message from the House as follows :

HOUSE OF REPRESENTATIVES,

February 9, 1866,

Mr. President: I am instructed to inform your honorable body that the House has passed

House file No. 106,

A Bill for an act to change the name of the town of St. Deroin, in Nemaha county, to Marysville.

House file No. 107,

A Bill for an act to repeal all acts restraining stock from running at large in Monroe precinct, Platte county.

House file No. 103,

A memorial and joint resolution for reimbursing the Territory of Nebraska.

House file No. 104,

A memorial and joint resolution asking for the removal of obstructions in the Missouri river, and for other purposes.

House file No. 110,

A Bill for an act for the relief of Nancy J. Gilman.

House file No. 99,

A Bill for an act to vacate a Territorial road from Decatur, in Burt county, to Fremont, in Dodge county.

In which the concurrence of the Council is respectfully requested. Also,

That the House has passed

Council file No. 19,

A Bill for an act to incorporate the Brownville, Tecumseh, Beatrice and Big Sandy wagon road company, without amendment.

Council file No. 23,

A memorial and joint resolution relative to mail routes, without amendment. Also,

Council file No. 4,

Part 1, chapters 42, 43, 45, 46, 47, 48 and 49, of revisors' report, without amendment. Also,

Council file No. 4,

Part 1, chapter 40, of revisors' report, without amendment. Also,

Council file No. 4,

Chapter 55, part 1, revisors' report, with the following amendment:

Section 4. Strike out the words "and for the issue of said license shall be entitled to one dollar."

Council file No. 4,

Chapters 36, 44, 50, 51, 52, 53 and 54 of part 1, revisors' report, without amendment, and

Chapter 41, Council file No. 4, with the following amendment:

In section 17, 4th line from bottom strike out "one dollar and twenty-five cents," and insert "two dollars;" and in last line same section, strike out "thereof," and insert "therefor."

And the concurrence of the Council to the House amendments is respectfully requested.

I am also instructed to inform your honorable body that the House has refused to concur in Council amendments to

House file No. 51,

A Bill for an act to incorporate the Western Transportation company,

And request the appointment of a committee of conference upon the disagreement; and that the House has appointed as such committee on its part, Messrs. Paddock, Maxon and Lake.

GEO. MAY,

Chief Clerk of House.

Mr. Faulkner moved that Mr. McCasland be excused from further attendance to-day,

Which motion was agreed to.

Mr. Kennedy moved to reconsider the vote by which the House was requested to return House file No. 92 to the Council for amendments,

Which motion was agreed to.

Mr. Bennet, from committee to whom was referred House file No. 86, reported as follows:

Mr. President: Your committee to whom was referred

House file No. 86,

A Bill for an act to restrain cattle from running at large at night in Jones county; also,

House file No. 84,

A Bill for an act to amend section 1 of an act to restrain bulls from running at large in the counties of Cedar, Dixon, Dakota and Pawnee, and precinct of North Bend, and Dodge county, N. T., approved February 13th, 1864,

Having had the same under consideration, hereby report the same back and recommend their passage.

J. B. BENNET,

A. S. HOLLADAY,

J. G. MILLER,

Mr. Porter, from committee on finance, reported as follows:

Mr. President: Your committee to whom was referred

Substitute for House file No. 70;

A Bill for an act to create a board of immigration, and to encourage immigration to Nebraska;

Would beg leave to report the bill back to the Council and recommend that it be recommitted to a select committee with instructions to report a bill similar to the Missouri immigration bill.

J. R. PORTER,

J. G. MILLER.

Mr. Holladay, from committee on federal relations, reported:

Mr. President: Your committee on federal relations to whom was referred House file No. 91,

Memorial and joint resolution praying Congress for land bounty to Nebraska troops,

Have had the same under consideration, and beg leave to report the same back and recommend its passage without amendment.

Also, the committee have had under consideration

House file No. 78,

Preamble and joint resolution protesting against any change by Congress of the organic act of the Territory of Nebraska;

And report the same back without recommendation:

All of which is respectfully submitted.

A. S. HOLLADAY,
C. BLANCHARD.

Mr. Miller on leave introduced

Council file No. 28,

A Bill for an act to incorporate the Peru Seminary. Also,

Council file No. 29,

A Bill for an act for the sale of delinquent stock of corporations.

House file No. 99,

A Bill for an act to locate a Territorial road from Decatur, in Burt county, to Fremont, in Dodge county, taken up.

On motion of Mr. Chapman,

The rules were suspended, the

Bill read by title first and second times, and

Referred to special committee, consisting of Messrs. Griffey and Allen.

House file No. 110,

A Bill for an act for the relief of Nancy J. Gilman, taken up.

Mr. Griffey moved that the bill be indefinitely postponed.

Which motion was agreed to.

House file No. 104.

Memorial and joint resolution to Congress asking for the removal of obstructions in the Missouri river, and for other purposes, taken up.

On motion of Mr. Porter,

The rules were suspended, the

Bill read by title, 1st and 2d times.

And referred to committee on federal relations.

House file No. 103,

Memorial and joint resolution to Congress for reimbursing the Territory of Nebraska, the amount of money expended in military expeditions against hostile tribes of Indians within her borders, during the summer and fall of 1864, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title 1st and 2d times, and

Referred to the committee on finance.

House file No. 107,

A Bill for an act to repeal all acts restraining stock from running at large in Monroe precinct, Platte county, taken up

On motion of Mr. Chapman,

The rules were suspended, the bill read 1st and 2d time by title, and

Referred to committee on agriculture.

House file No. 106,

A Bill for an act to change the name of the town of St. Deroin, in Nemaha county, to Marysville, taken up

On motion of Mr. Holladay,

The rules were suspended, the bill read by title 1st and 2d time.

Referred to special committee consisting of Messrs. Holladay, Faulkner and Porter.

Council file No. 28,

"To incorporate the Peru Seminary," taken up.

On motion of Mr. Miller,

The bill was read 1st and 2d time,

Referred to committee on education.

Council file No. 29,

A Bill for an act for the sale of delinquent stock, taken up.

On motion of Mr. Miller,

The bill was read 1st and 2d time,

Referred to committee on corporations.

Chapter 55 of Council file No. 4, part 1, with House amendment to section 4, taken up.

Mr. Kennedy moved to concur in the amendment by the House.

Which motion was agreed to.

Mr. Kennedy moved to appoint a committee on the part of the Council, to confer with like committee on the part of the House on the disagreements between the two houses.

Which motion was agreed to.

President appointed as such committee, Messrs. Kennedy, Bennet and Miller.

Message from the House as follows, received:

HOUSE OF REPRESENTATIVES,
February 9, 1866.

Mr. President: I am instructed to inform the honorable Council that the House has appointed as a conference committee on the disagreement of the two houses on the House amendments to Council files Nos. 10 and 20, Messrs. Tuxbury, Robertson, Barnum and Pollock, in compliance with the request of your honorable body.

GEO. MAY,
Chief Clerk of the House.

Chapter 41 of Council file No. 4, part 1st, with House amendment to section 17, taken up.

On motion of Mr. Chapman,

The Council concurred in 1st and 2d amendments to section 17.

Mr. Bennet moved to suspend the rules and consider the reports made this morning by the different committees,

Which motion was agreed to.

Substitute for House file No. 71,

To create a board of immigration, &c., taken up.

Mr. Griffey moved to adopt the report of the committee, which was that the bill be recommitted to a special committee;

Which motion was agreed to.

President appointed as such committee, Messrs. Bennet, Miller and Allen.

Council now resolved itself into committee of the whole in consideration of House file No. 78,

Mr. Porter in the Chair.

After some time, the committee rose, and through their chairman, Mr. Porter, reported the bill back, recommending its indefinite postponement.

Mr. Chapman moved to adopt the report of the committee of the whole.

Ayes and nays ordered.

Mr. Bennet moved to re-commit the bill to a special committee.

Mr. Griffey rose to a point of order,

That after the ayes and nays were ordered amendments were out of order.

Point of order sustained.

On motion to re-commit,

The ayes were: Messrs. Allen and Chapman—2.

The nays were: Messrs. Albertson, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy, Miller and Porter—9.

So the motion to re-commit was lost.

Question on adopting report of committee.

Ayes and nays ordered.

The ayes were: Messrs. Chapman and Miller—2.

The nays were: Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy, Miller and Porter—9.

So the motion was lost.

Mr. Griffey moved to read the bill 3d time by title, and put it on its passage.

Held out of order, as the gentleman was not in his seat.

On motion of Mr. Chapman,

Mr. Griffey was permitted to occupy the seat he was then in for the balance of the session.

Mr. Griffey moved to suspend the rules, read the bill by title 3d time, and put it on its passage.

The ayes and nays were ordered.

The ayes were—Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy and Porter—9.

The nays were: Messrs. Chapman and Miller—2

So the motion was agreed to.

Bill read by title 3d time.

On the passage of the joint resolution,

The ayes and nays were ordered.

The ayes were: Messrs. Albertson, Allen, Blanchard, Bennet, Faulkner, Griffey, Holladay, Kennedy and Porter—9.

The nays were: Messrs. Chapman and Miller—2.

So the bill was passed.

Mr. Kennedy moved to amend the title by striking out the word "Paddock."

Motion agreed to, and

Title agreed to as amended.

Mr. Holladay moved to take a recess until half past 2 o'clock, P. M.,

Which motion was agreed to, and

Council took a recess until 2:30 P. M.

After recess,

The President called the house to order at 2:30 P. M.

Message from the House as follows, was received:

HOUSE OF REPRESENTATIVES,

February 9, 1866.

Mr. President: I am directed to inform the honorable Council that the House has passed

Substitute for House file No. 51,

A Bill for an act to incorporate the Western Transportation Company,

And the concurrence of the Council is respectfully requested.

GEO. MAX,

Chief Clerk of House.

House file No. 91,

Memorial and joint resolution praying Congress for land bounty to Nebraska troops, taken up.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to,

On motion of Mr. Miller,

The rules were suspended,

The bill was read by title third time,

Passed, and title agreed to.

House file No. 84,

To amend section 1 of an act to restrain bulls from running at large in the counties of Cedar, Dixon, Dakota, Pawnee, and precinct of North Bend, in Dodge county, taken up.

On motion of Mr. Bennet,

The rule was suspended,

Bill read by title 3d time,

Passed, and title agreed to.

House file No. 86,

To restrain cattle from running at large at night in Jones county, taken up.

On motion of Mr. Bennet,

The rule was suspended,

Bill read by title 3d time,

Passed, and title agreed to.

Substitute for House file No. 51,

To incorporate the Western Transportation Company, taken up.

On motion of Mr. Porter,

The rule was suspended,
Bill read first and second time, and
Considered in Council.

On motion of Mr. Kennedy,
The bill was read 3d time by title,
Passed and title agreed to.

Mr. Miller on leave reported :

Your committee to whom was referred
Council file No. 28,

A Bill for an act to incorporate the Peru Seminary and College,
Having had the same under consideration have instructed me to report the
same back to the Council without amendment, and recommend its passage.

J. G. MILLER,

A. S. HOLLADAY.

Mr. Miller moved to suspend the rules and consider the report of the committee,

Which motion was agreed to.

Council file No. 28,

To incorporate the Peru Seminary, taken up.

On motion of Mr. Miller,

The rule was suspended,

The bill read by title 3d time, and

Passed.

On motion of Mr. Miller,

The title was amended by inserting after the word "seminary," the words
"and college."

Which motion was agreed to, and

Title agreed to as amended.

Message from the House received as follows :

HOUSE OF REPRESENTATIVES,

February 9, 1866.

Mr. President : I am instructed to inform your honorable Council that the
House has passed

Substitute for House file No. 61,

A Bill for an act making appropriations for legislative expenses, and for
other purposes, for the year A. D. 1866 ;

And the concurrence of your honorable body is respectfully requested
therein.

I am also instructed to inform your honorable body that the House has
receded from its amendment to Council file No. 4, chapter 39, part 1, section
33, line 10th, entitled "Revenue," and adheres to its amendment to section
38, chapter 22, same file, entitled incorporations, and that in compliance
with the request of your honorable body,

The House has appointed as a committee of conference on said disagreement,
Messrs. Maxwell, Brown and Arnold, and that

House file No. 92,

"A joint resolution for a railroad from Nebraska city west," which you request returned, has passed from the possession of the House, has been enrolled and is now in the hands of the Governor for his approval.

GEORGE MAY,

Chief Clerk of House.

Mr Chapman on leave, introduced

Council file No. 30,

Memorial and joint resolution for additional aid and privileges for the Burlington and Missouri River Railroad Company.

On motion of Mr. Chapman,

The rules were suspended, the bill read 1st, 2d and 3d time by title, Passed, and title agreed to.

Mr. Miller on leave reported as follows:

Your committee to whom was referred,

House file No. 82,

A Bill for an act to authorize a geological survey of the Territory of Nebraska, having had the same under consideration, have instructed me to report the same back to the Council with the following amendment.

At the end of fifth line, strike out "two," and insert "five," and recommend its passage as amended.

J. G. MILLER,

GEO. FAULKNER,

THOS. L. GRIFFEY.

Mr. Miller moved to suspend the rules and consider the bill and report now, Which motion was agreed to.

The counsel resolved itself into the committee of the whole on House file No. 82,

Mr. Miller in the Chair.

After some time the committee rose, and through their chairman, Mr. Miller, reported the bill back to the Council, and recommended its indefinite postponement.

On motion of Mr. Kennedy,

The report was adopted, and the bill,

House file No. 82,

A Bill for an act for a geological survey of Nebraska, was indefinitely postponed.

Mr. Bennet on leave reported,

Mr. President: Your committee to whom was referred

House file No. 107,

A Bill for an act to repeal all acts restraining stock from running at large in Monroe precinct, Platte county, having had the same under consideration, hereby report it back and recommend its passage.

J. B. BENNET,

A. S. HOLLADAY.

Mr. Bennet from committee on conference reported as follows:

Mr. President: Your committee on conference to whom was referred

Council file No. 10,

A Bill for an act to revise an act entitled "An act to consolidate the corporations of Nebraska city, South Nebraska city and Kearney city, and incorporate Nebraska city, approved Dec. 31st, 1857," and the several amendments to said act,

Having had the same under consideration, hereby report the same back without having agreed to the points of difference, and recommend that the Council adhere to its non-concurrence in the amendment proposed by the House.

J. B. BENNET.

Mr. Kennedy, from the special committee on chapter 13 of Revisors' report, on leave reported as follows:

Mr. President: Your special committee to whom was recommitted chapter 13, part 1, revisors' report, entitled "Courts,"

Have had the same under consideration, and ask leave to report the same back to the Council without amendment and recommend its passage.

B. E. B. KENNEDY,

Chairman.

Mr. Kennedy on leave, introduced

Council file No. 31,

A Bill for an act in relation to vagrants.

Mr. Holladay from the committee on enrolled bills, reported as follows:

Mr. President: The committee on enrolled and engrossed bills, respectfully report,

Joint resolution submitting a Constitution for a State Government to the people for their approval or rejection.

An act to authorize the county commissioners of Cuming county to provide a fund for certain purposes.

An act to incorporate Interior Lodge No. 9, of the Independent Order of Odd Fellows at Pawnee city, Pawnee county, Nebraska, truly enrolled,

And after having the same signed by the Speaker of the House, and the President of the Council, and endorsed by the Chief Clerk of the Council, presented the same to the Governor for his approval at 3 o'clock P. M., this the 8th day of February, 1866.

A. S. HOLLADAY,

J. B. BENNET.

Council file No. 31,

A Bill for an act in relation to vagrants, taken up.

Mr. Kennedy moved that the rules be suspended, the bill read by title 1st and 2d time, and ordered engrossed for 3d reading.

Which motion was agreed to.

Bill read by title 1st and 2d time, and ordered engrossed for 3d reading to-morrow.

Mr. Bennet moved to suspend the rules and consider the reports before the Council now, and in Council.

Which motion was agreed to.

Chapter 13 of part 1st, of Council file No. 4.

Mr. Kennedy moved to consider the bill in Council.

Which motion was agreed to.

On motion of Kennedy,

The Bill was read by title 3d time.

Passed, and title agreed to.

The report of the committee of conference on

House file No. 10,

To consolidate the corporations of Nebraska City, South Nebraska City and Kearney City, taken up.

On motion of Mr. Bennet,

The Council refused to recede from their non-concurrence in House amendments to Council file No. 10.

House file No. 107,

To repeal all acts restraining stock from running at large in Monroe precinct, Platte county, taken up.

On motion of Mr. Bennet,

The rule was suspended, the bill was read by title 3d time.

Passed, and title agreed to

Substitute for House file No. 61,

A Bill for an act making appropriations for Legislative expenses and for other purposes, taken up.

On motion of Mr. Griffey,

The rule was suspended, the bill read by title 1st and 2d time, and

Referred to committee of the whole.

Council resolved itself into the committee of the whole

On substitute for House file No. 61,

Mr. Porter in the chair.

After sometime the committee rose, reported progress and asked leave to sit again.

Mr. Chapman from the special committee on Council file No. 24, reported as follows:

Mr. President: Your select committee, to whom was referred

Council file No. 24,

A Bill for an act to define the boundaries of the several counties of Nebraska, and to establish new counties,

Beg leave to report the same back to the Council, with the recommendation that that portion of the same which defines the boundaries to, and establishes new counties, be adopted, and that that portion of the same which re-defines the boundaries of counties which are already defined by law, be stricken out.

All of which is respectfully submitted.

J. W. CHAPMAN,
J. B. BENNET,
GEO. FAULKNER.

Mr. Kennedy, from the committee on revision, reported as follows :

Mr. President: Your committee on the revision have had under consideration part 2, revisors' report,

Council file No. 4,

Entitled "Code of Civil Procedure," and direct me to report the same back to the Council, and recommend its adoption.

B. E. B. KENNEDY,
Chairman.

On motion of Mr. Kennedy,

The rules were suspended and the report considered now.

Part 2d of Council file No. 4, taken up.

On motion of Mr. Griffey,

The bill was read by title third time,

Passed, and title agreed to.

Council again resolved itself into the committee of the whole on House file No. 61,

Mr. Porter in the Chair.

The private secretary of the Governor being announced, the President resumed the Chair and received the following message from the Governor :

EXECUTIVE OFFICE,
Omaha, February 9, 1866.

Mr. President: I am directed by the Governor to inform this honorable body that he has signed and approved

Joint resolution submitting a constitution for a State government to the people for their approval or rejection.

JAMES H. BARLOW,
Private Secretary.

Mr. Griffey moved that 5,000 copies of the joint resolution and bill for a State Constitution, be ordered printed.

On division,

The motion was agreed to, and

The Council again resolved itself into committee of the whole on the substitute for House file No. 61,

Mr. Porter in the Chair.

The clerk of the House being announced, the President resumed the Chair and received the following message from the House :

HOUSE OF REPRESENTATIVES,
February 9, 1866.

Mr. President: I am instructed to inform the honorable the Council that the House has passed

House file No. 105,

A Bill for an act to create Silver Creek precinct in Burt county. Also,

House file No. 111,

Memorial and joint resolution asking for mail service from Frankfort to Niobrarah, in Leau-qui-court county, in Nebraska. Also,

House file No. 113,

A Bill for an act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks precincts, Otoe county. Also,

House file No. 115,

A Bill for an act relative to claims for military services. Also,

House file No. 116,

A Bill for an act to locate a Territorial road from the North line of the city of Omaha, to intersect the Territorial road running to Fort Calhoun, in Washington county. Also,

House file No. 118,

A Bill for an act to fund the corporate indebtedness of Nebraska City. Also,

Substitute for House file No. 100,

A Bill for an act to incorporate the Washington County Mining Company. Also,

Substitute for House file No. 109,

A Bill for an act for a Territorial road from Fremont, Dodge county, by way of DeWitt, Cuming county, to John Oaks' place, in Burt county.

I am also instructed to inform the honorable Council that the House has passed without amendment

Council file No. 25,

A Bill for an act to incorporate the Richardson county mining company. Also,

Council file No. 26,

Joint resolution and memorial asking for grant of land from Brownville, Nebraska, westward. Also,

Title 15, article 1, part 2, Council file No. 4,

With the following amendment:

Add to section 99, "Provided that whenever a judgment shall be rendered by a justice against any party, unless herein otherwise provided, it shall be with the costs of the suit; but the whole amount of all the items of such costs shall not in any case exceed twelve dollars."

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

Council again resolved itself into the committee of the whole on House file No. 61,

Mr. Porter in the Chair.

After some time the committee rose and through their chairman, Mr. Porter, asked time to make their report,

Which was granted.

Mr. Griffey moved to reconsider the vote by which 5,000 copies of the joint resolution and bill for a State constitution were ordered printed,

Which motion was agreed to.

House file No. 116,

A Bill for an act to locate a Territorial road from the north line of the city of Omaha, to intersect the Territorial road running to Fort Calhoun, in Washington county, taken up.

On motion of Mr. Kennedy,

The rules were suspended,

Bill read 1st, 2d and 3d time by title,

Passed, and title agreed to.

House file No. 111,

Memorial and joint resolution asking for mail service from Frankfort to Niobrarah, in L-eau-qui-court county, in Nebraska, taken up.

On motion of Mr. Griffey,

* The rules were suspended,

The bill read by title 1st, 2d and 3d time,

Passed, and title agreed to.

Substitute for House file No. 109,

A Bill for an act for a Territorial road from Fremont, Dodge county, by way of DeWitt, Cuming county, to John Oaks' place, in Burt county, taken up.

On motion of Mr. Chapman,

The rule was suspended,

The bill read by title 1st and 2d time.

Referred to committee on highways, bridges and ferries.

House file No. 118,

A Bill for an act to fund the corporate indebtedness of Nebraska City, taken up.

On motion of Mr. Bennet,

The rule was suspended,

The bill read by title 1st and 2d time, and

Referred to special committee.

President appointed as such committee, Messrs. Bennet, Porter and Blanchard.

Substitute for House file No. 100,

A Bill for an act to incorporate the Washington County Mining Company, taken up.

On motion of Mr. Griffey,

The bill was read 1st and 2d time by title.

Referred to committee on corporations.

House file No. 115,

A Bill for an act relative to claims for military services, taken up.

On motion of Mr. Chapman,

The rules were suspended,

. The bill read by title 1st and 2d time, and

Referred to committee on finance.

House file No. 105,

A Bill for an act to create Silver Creek precinct, Burt county, taken up.

On motion of Mr. Griffey,

The rules were suspended;

The bill read 1st and 2d time by title.

Referred to committee on counties.

House file No. 113;

A Bill for an act to restrain stock from running at large in Delaware, McWilliams, Syracuse and Hendricks precincts, Otoe county, taken up.

Mr. Bennet moved that the bill be read 1st, 2d and 3d time by title and put upon its passage,

Which motion was agreed to:

Bill read 1st, 2d and 3d time by title,

Passed and title agreed to:

Title 15, article 1, Council file No. 4;

With House amendment to section 99, taken up.

On motion of Mr. Griffey,

The Council refused to concur in the amendment by the House.

Mr. Griffey moved a call of the Council.

Roll call ordered.

Absent—Mr. Allen.

On motion of Mr. Griffey,

The sergeant-at-arms was dispatched after absentee.

Mr. Allen appearing,

On motion of Mr. Griffey,

All further proceedings under the call were dispensed with.

Mr. Kennedy moved that a committee be appointed to confer with a like committee on the part of the House on the disagreements now between the two houses, on section 99, title 15, article 1, part 2, Council file No. 4,

Which motion was agreed to, and

The President appointed as such committee on the part of the Council, the judiciary committee.

Mr. Kennedy moved that the Council now adjourn,

Which motion was agreed to, and

The Council adjourned.

SATURDAY, FEBRUARY 10, 1866.

Council met pursuant to adjournment.

President in the chair.

Roll called.

Absent—Mr. Miller.

Prayer by the Chaplain.

Journal read and approved.

Mr. Holladay reported from the committee on federal relations as follows:

Mr. President: The committee on federal relations to whom was referred

House file No. 104,

Memorial and joint resolution to Congress asking for a removal of obstructions in the Missouri river, and for other purposes,

Have had the same under consideration, and report the same back without amendment and recommend its immediate passage.

A. S. HOLLADAY,

C. BLANCHARD.

Mr. Porter, from the committee on House file No. 103, reported as follows :

Mr. President: Your committee to whom was referred

House file No. 103,

Memorial and joint resolution to Congress for reimbursing the Territory of Nebraska the amount of money expended in military expeditions against hostile tribes of Indians within her borders during the summer and fall of 1864,

Have had the joint resolution under consideration and beg leave to report the same back to the Council without amendment and recommend its passage.

JOHN R. PORTER,

J. G. MILLER,

J. N. McCASLAND.

Mr. Porter, from the committee on House file No. 115, reported as follows :

Mr. President: Your committee to whom was referred

House file No. 115,

A Bill for an act relative to claims for military services,

Have had the bill under consideration, and beg leave to refer the same back to the Council without amendment and recommend the passage of the same.

J. R. PORTER,

J. G. MILLER,

J. N. McCASLAND.

Mr. Blanchard, from the committee on House file No. 109, reported as follows :

Mr. President: Your committee to whom was referred substitute for

House file No. 109,

A Bill for an act for a Territorial road from Fremont, Dodge county, *via* Dewitt, Cuming county, to John Oaks' place, in Burt county,

Having had the same under consideration,

Beg leave to report the same back to the Council and recommend its passage without amendment.

C. BLANCHARD,

ISAAC ALBERTSON,

GEO. FAULKNER.

Mr. Faulkner from the committee on military affairs reported as follows :

Mr. President: Your committee on military affairs, to whom was referred,

A petition of the soldiers of the 1st Nebraska veteran cavalry, with instructions to report on the same by bill or otherwise, have instructed me to return the same to the Council, and to express that it is the opinion of your committee that

House file No. 91,

Memorial and joint resolution, praying Congress for land bounty to Nebraska "Troops," which was passed on the 9th inst., fully meets the prayer of the petitioners, and dispenses with the necessity of any further action upon the same.

All of which is respectfully submitted.

GEO. FAULKNER,
Chairman.

Mr. Bennet from the special committee on House file No. 118, reported as follows:

Mr. President: Your select committee, to whom was referred,
House file No. 118,

A Bill for an act to fund the corporate indebtedness of Nebraska City,

Having had the same under consideration, hereby report the same back with the following amendments:

Insert before the word "15," in the first section of this bill, the words "12, 13 and 14," and also strike out in the same section, the words, "from the date of the scrip or warrant, to the date of its presentation," and insert "after due," and recommend the passage of the bill as amended.

J. B. BENNET,
J. R. PORTER,
C. BLANCHARD.

Mr. Allen from the committee on House file No. 99, reported as follows:

Mr. President: Your committee to whom was referred,
House file No. 99,

A Bill for an act to locate a Territorial road from Decatur, in Burt county, to Fremont, in Dodge county,

Beg leave to report the same back to the Council, and recommend its passage without amendment.

E. A. ALLEN,
Chairman.

Mr. Holladay, from the committee on House file No. 106, reported as follows:

Mr. President: The select committee, to whom was referred,
House file No. 106,

A Bill for an act to change the name of the town of St. Deroi, Nemaha county, to Mayville,

Have had the same under consideration, and beg leave to report the same back without amendment, and recommend its passage.

A. S. HOLLADAY,
GEO. FAULKNER,
J. R. PORTER.

Mr. Allen, from select committee on House file No. 108, reported,

Mr. President: A portion of the select committee, to whom was referred,
House file No. 108,

An act to provide for building a court house and jail in Washington county, and to relocate the county seat thereof,

Having had the same under consideration, beg leave to make the following report:

1st, That the bill requires the county commissioners to levy and collect a tax to build a court house without submitting the question to a vote of the people for their approval or rejection.

That no petition has ever been presented to either branch of this Legislature, asking for the raising of any tax whatever, to build a court house, and in the opinion of your committee, a very large majority of the people of said county, are opposed to the raising of any such tax at this time, and opposed to any action of this Legislature in that regard.

The bill aforesaid, also provides for the relocation of the county seat of said county, by a majority vote of the people thereof, and the people of said county have not by expressed or implied terms, through their representatives, by petitions or in any other manner, asked this Legislature to pass any law with reference to the relocation of the county seat of said county, and in the opinion of your committee, a large majority of the people of Washington county aforesaid, are opposed to any relocation of said county seat at this time, deeming any action by this Legislature, tending to such relocation, inexpedient, unwise and uncalled for, but when the financial condition of said county will justify the raising of a sufficient tax to build a court house and jail, your committee think the necessary steps should be taken to purchase a tract of land in the central portion of the county on which to locate said county seat.

In view of the above facts and many other objections, I beg leave to report the bill back to the Council, and recommend that it do not pass.

All of which is respectfully submitted.

E. A. ALLEN,
Chairman.

Mr. Porter, Chairman of the committee of the whole House, reported as follows:

Mr. President: Your committee of the whole House, have had under consideration substitute for

House file No. 61,

A Bill for an act making appropriations for Legislative expenses, and for other purposes, for the year A. D. 1866, beg leave to report the same back with the following amendments:

1st, For furnishing blanks for auditor's office, insert \$1,000 instead of \$1,200 in section first.

Strike out the following appropriations in section first:

A. G. White and W. B. Raper.....	\$ 75 00
M. J. Mumford.....	15 00
Porter & Deuel.....	12 50
William F. Fowler.....	50 00
William Rotten	186 25
Jacob Shaw.....	15 00
Samuel Dimmick.....	45 00

William Schillinger.....	\$ 13 00
Levi Anthony.....	30 00
Albert Tolle.....	5 00
O. P. Mason.....	18 75
For hand rails 2d story of capitol.....	300 00
Education of deaf and dumb....	1,000 00
Librarian for miscellaneous works, &c.....	100 00
Wm. Lammon.....	10 00
Wm. McLennan.....	4 00
Noble R. Hays.....	300 00
Benjamin F. Ferguson.....	477 00
Wm. J. Dunn.....	402 00
Charles Russ.....	450 00
Thomas Helvey.....	16 60
R. W. Hazen.....	42 76
J. G. Smith.....	18 12

Also, amend by inserting in 1st section:

Harry P. Deuel, assistant enrolling clerk.....	160 00
Experience Estabrook, for assisting revising committee.....	200 00
John Gillespie, assistant engrossing clerk.....	76 00
Samuel Cox, assistant engrossing clerk.....	8 00
M. McCoy, assistant engrossing clerk.....	60 00
As much as may be needed of the amount of \$75 00 for extra help under the certificate of the committee for enrolling.....	75 00

Also, strike out all of section 2.

And would recommend that the committee now rise, report the bill back to the Council and recommend the passage of the same with the several amendments.

J. R. PORTER,
Chairman Committee of the Whole.

Mr. Miller on leave introduced
Council file No. 32,

A Bill for an act to incorporate the Nebraska Annual Conference of the Methodist Episcopal church, and for other purposes.

Read 1st time.

On motion of Mr. Miller,

The rules were suspended,

The bill was read 2d time, and considered in Council.

On motion of Mr. Miller,

The bill was referred to special committee.

President appointed as such committee, Messrs. Miller, Faulkner and Porter.

The following message from the governor was received:

EXECUTIVE OFFICE,
Omaha, February 10, 1866.

Mr. President: The governor directs me to inform this honorable body that he has approved

An Act to incorporate Interior lodge No. 9, of the Independent Order of Odd Fellows at Pawnee City, Pawnee county, Nebraska.

An Act to authorize the county commissioners of Cuming county to provide a fund for certain purposes.

JAMES H. BARLOW,
Private Secretary.

Council file No. 20,

To amend an act to authorize the Town Council of Nebraska City to raise money to erect a central school building, with House amendment to section 20, taken up.

On motion of Mr. Bennet,

The Council receded from their refusal to concur in the House amendments, and concurred in the amendments to the same.

Mr. Allen on leave reported as follows:

Mr. President: The select committee to whom was referred

A Bill for an act to create Silver Creek precinct in Burt county,

Beg leave to report the same back to the Council without recommendation.

E. A. ALLEN,
Select Committee.

On motion of Mr. Kennedy,

The Council considered the reports of the different committees, made this morning, now.

House file No. 104,

Memorial and joint resolution asking for the removal of obstructions in the Missouri river, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Griffey,

The rules were suspended,

The bill read by title 3d time, and put upon its passage.

On passage the bill was lost.

House file No. 108,

To provide for the building of a court house and jail in Washington county, and to re-locate the county seat thereof.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

Mr. Griffey moved to suspend the rules, read the bill by title 3d time, and put it on its passage.

On division,

The motion was lost.

Mr. Griffey moved to read the bill 3d time and put it on its passage.

On division,

The motion was agreed to.

The following message from the House was received :

HOUSE OF REPRESENTATIVES,

February 10, 1866,

Mr. President: I am directed to inform the honorable Council that the House has passed the following resolution :

Resolved, That the Council be respectfully requested to inform this body what action it has taken, if any, in reference to the amendments of the House to

Council file No. 12,

A Bill for an act to provide a fund for building a jail in Washington county,
And what has become of the bill.

GEO. MAY,

Chief Clerk of the House..

The bill under consideration,

House file No. 108,

Was read 3d time.

The ayes and nays ordered on the passage of the bill.

Message from the House as follows was received :

HOUSE OF REPRESENTATIVES,

February 10, 1866.

Mr. President: I am instructed to inform the honorable Council that the House desires a further conference on the disagreement of the two houses on the House amendment to

Council file No. 10,

And the House has appointed Messrs. Maxon, Tuxbury, Gilmore, Thorn and Campbell, upon its part, to meet a similar committee of the Council; and and the Council is respectfully requested to appoint such committee.

GEO. MAY,

Chief Clerk of House.

Mr. Allen moved to re-commit the bill to the committee.

Motion held out of order.

Mr. Allen appealed from the decision of the President.

On division,

The holding of the Chair was sustained by the Council.

Mr. Allen moved to reconsider the vote by which the bill was ordered to a 3d reading.

Motion ruled out of order.

The question being on the passage of

House file No. 108,

The ayes were: Messrs. Albertson, Bennet, Chapman, Faulkner, Griffey, Kennedy, Miller and Porter—8.

The nays were: Messrs. Allen, Blanchard, Holladay and McCasland—4.

So the bill was passed, and title agreed to.

On motion of Mr. Miller,

The Council took a recess until 2:30 P. M.

After recess,

The President called the Council to order at 2:30 P. M.

House file No. 105,

To create Silver Creek precinct, in Burt county, taken up.

Mr. Kennedy moved to consider the bill in Council.

Which motion was agreed to.

On motion of Mr. Porter,

The rules were suspended,

Bill read by title third time,

Passed, and title agreed to.

Substitute for House file No. 109,

For a Territorial road from Fremont, Dodge county, by way of DeWitt, to John Oaks' place, in Burt county, taken up.

Mr. Blanchard moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Blanchard,

The rule was suspended,

The bill read by title 3d time,

Passed, and title agreed to.

House file No. 115,

A Bill for an act relative to claims for military services, taken up.

Mr. Kennedy moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Miller,

The rule was suspended,

Bill was read by title 3d time,

Passed, and title agreed to.

House file No. 99,

To locate a Territorial road from Decatur, in Burt county, to Fremont, in Dodge county, taken up.

Mr. Griffey moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Griffey,

The rule was suspended,

Bill read by title 3d time,

Passed, and title agreed to.

House file No. 103,

Memorial and joint resolution for reimbursing the Territory of Nebraska, taken up.

Mr. Chapman moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Chapman,

The rule was suspended,
Bill read 3d time by title,
Passed, and title agreed to.
House file No. 106,

To change the name of the town of St. Deroin to Marysville, taken up.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to.

On motion of Mr. Bennet,

The rule was suspended,
Bill read by title 3d time.
Passed, and title agreed to.
House file No. 118,

To fund the corporate indebtedness of Nebraska City, taken up.

Mr. Bennet moved to consider the bill in Council, and that the amendments recommended by the committee be adopted,

Which motion was agreed to.

On motion of Mr. Bennet,

The rule was suspended,
Bill read by title 3d time,
Passed, as amended, and title agreed to.
Council file No. 10,

To consolidate the corporations of Nebraska City, South Nebraska City and Kearney City, with amendment by the House, taken up.

Mr. Bennet moved to reconsider the vote by which the Council adhered to its refusal to concur in House amendments,

Which motion was agreed to.

Mr. Bennet moved to reconsider the vote by which the Council refused to concur in the House amendments, and to concur in the same,

Which motion was agreed to.

Report of committee of the whole on
Substitute for House file No. 61,

A Bill for an act making appropriations for legislative expenses for 1866, taken up.

Mr. Griffey moved to adopt the report of the committee on the amendments proposed,

Which motion was agreed to.

On motion of Mr. Miller,

The rule was suspended,
Bill read by title 3d time,
Passed, as amended, and title agreed to.

Mr. Chapman on leave reported:

Mr. President: Your committee on corporations to whom was referred House file No. 100, entitled

A Bill for an act to incorporate the Washington county mining company, Having had the same under consideration instruct me to report the same

back to the Council and recommend that it be considered in committee of the whole house.

All of which is respectfully submitted.

J. W. CHAPMAN,
Chairman.

Mr. Miller, on leave, reported from special committee as follows :

Mr. President: Your select committee to whom was committed
Council file No. 32, entitled

A Bill for an act to incorporate the Nebraska Annual Conference of the Methodist Episcopal church, and for other purposes,

Having had the same under consideration, have instructed me to report the same back with the following amendments, viz : number the several sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 respectively ;

And recommend the passage of the bill as amended.

J. G. MILLER,
GEO. FAULKNER.

Council file No. 32,

To incorporate the Annual Conference of the Methodist Episcopal church, taken up.

Mr. Miller moved to suspend the rules, and consider the report of the committee now,

Which motion was agreed to.

Mr. Miller moved to consider the report in Council,

Which motion was agreed to.

Mr. Miller moved to adopt the report of the committee,

Which motion was agreed to, and

On motion of Mr. Miller,

The rule was suspended,

Bill read by title 3d time.

On passage,

The ayes and nays were ordered.

The ayes were : Messrs. Albertson, Blanchard, Chapman, Faulkner, Griffey, Holladay, Kennedy, Miller, Porter and McCasland—10.

The nays : Messrs. Allen and Bennet—2.

So the bill passed, and title was agreed to.

Mr. Holladay on leave reported :

Mr. President: Your committee on engrossed bills report

Council file No 31,

A Bill for an act relative to vagrants,

As correctly engrossed.

A. S. HOLLADAY,
J. B. BENNET.

Council file No. 31,

Relative to vagrant law, taken up.

On motion of Mr. Chapman,

The rule was suspended,
Bill read by title 3d time,
Passed, and title agreed to.

Council file No. 24,

To define the boundaries of the several counties in Nebraska, and to establish new counties, taken up.

Mr. Griffey moved to indefinitely postpone the bill,

On division,

The ayes were 6 ; the nays 6.

The President voted no, and

The motion was lost.

Mr. Chapman moved to adopt the report of the committee,

Which motion was agreed to.

Mr. Allen moved to order the bill engrossed for a 3d reading to-morrow.

Mr. Griffey moved to lay the motion and the bill on the table,

Which motion was agreed to.

Council resolved itself into committee of the whole, on

House file No. 100,

To incorporate the Washington County Mining Company,

Mr. Chapman in the Chair.

Clerk of the House being announced, the President resumed the Chair and received the following message from the House :

HOUSE OF REPRESENTATIVES,

February, 10, 1866.

Mr. President : I am instructed to inform the honorable Council that the House has passed

Substitute for House file No. 114,

A Bill for an act to restrain stock from running at large in Cuming county.

House file No. 121,

A Bill for an act to restrain stock from running at large in the counties of Clay, Lancaster and Seward.

House file No. 125,

A Bill for an act to provide for serving notice by publication upon parties to suits for divorce, and for other purposes.

House file No. 126,

A Bill for an act to provide for the education of the deaf and dumb, and the blind children of Nebraska. Also,

Council file No. 28,

A Bill for an act to incorporate the Peru Seminary and College, without amendment. Also,

Council file No. 30,

Memorial and joint resolution for additional aid and privileges for the Burlington and Missouri river railroad company, without amendment.

House file No. 120,

A Bill for an act to make stock accountable for the damage they may do upon cultivated lands. Also,

Council file No. 16,

A Bill for an act to incorporate the Union Transfer company, with amendments.

Council file No. 29,

A Bill for an act vacating a part of Cuming City, without amendment.

House file No. 60,

A Bill for an act to provide a poor fund in the county of Douglas, and for other purposes.

House file No. 112,

Memorial and joint resolution relative to mail route ;

And the concurrence of the Council is respectfully requested in House bills, and amendments to Council file No. 16.

I am also instructed to inform your honorable body, that the House has appointed Messrs. Lake, Maxwell, Arnold and Chapin, on the committee of conference requested by your honorable body, upon the disagreement of the two House to House amendments to

Article 1, part 2, Council file No. 4, entitled Jurisdiction of Justices of the Peace.

GEO. MAY,

Chief Clerk of House.

After which the committee of the whole resumed consideration of House file No. 100,

After some time, the committee rose, and through their chairman, Mr. Chapman, reported as follows :

Mr. President: Your committee of the whole House, to whom was referred, House file No. 100,

A Bill for an act to incorporate the Washington County Mining Company, Having had the same under consideration, instruct me to report the same back to the Council with the recommendation that it be indefinitely postponed.

J. W. CHAPMAN,

Chairman.

House file No. 60,

A Bill for an act to provide a poor fund in the county of Douglas and for other purposes, taken up.

On motion of Mr. Griffey,

The rule was suspended, the bill read by title, 1st and 2d time, and

Referred to special committee consisting of Messrs. Griffey, Allen and Faulkner.

House file No. 121,

A Bill for an act to amend an act entitled, an act to restrain stock from running at large in the counties of Clay, Lancaster and Seward, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read by title 1st and 2d times, and
Referred to committee on agriculture.

House file No. 125,

A Bill for an act to provide for serving notice by publication upon parties to
suits for divorce, and for other purposes, taken up,

On motion of Mr. Chapman,

The rules were suspended, the bill read by title 1st and 2d time, and
Referred to committee on judiciary.

House file No. 126,

A Bill for an act to provide for the education of the deaf and dumb, and
blind children of Nebraska, taken up.

On motion of Mr. Chapman,

The rules were suspended, bill read 1st and 2d time by title, and
Referred to committee on finance.

House file No. 120,

A Bill for an act to make stock accountable for the damage they may do
upon cultivated lands, taken up,

Read 1st time,

On motion of Mr. Holladay,

The rules were suspended, bill read by title 2d and 3d times,

Passed, and title agreed to.

Council file No. 16,

To incorporate the Union Transfer Company, taken up, with House amend-
ments,

On motion,

The Council concurred in the amendments to sections 4, 5 and 6, by the
House.

Mr. Holladay moved to reconsider the vote by which House file No. 120, was
passed,

Which motion was agreed to.

Mr. Holladay moved to reconsider the vote by which it was ordered to a
3d reading,

Which motion was agreed to.

Mr. Holladay moved to refer the bill to the judiciary committee,

Which motion was agreed to.

House file No. 60,

A Bill for an act to provide a poor fund in the county of Douglas, and for
other purposes, taken up.

On motion of Mr. Kennedy,

The rules were suspended, bill read 1st and 2d time by title, and

Referred to special committee.

President appointed as such committee, Messrs. Kennedy and Porter.

House file No. 112,

Memorial and joint resolution relative to a mail route, taken up.

On motion of Mr. Chapman,

The rules were suspended, the bill read 1st and 2d time,

Referred to committee on federal relations.

Mr. Holladay, on leave, reported as follows :

Mr. Holladay, from committee on enrolled bills, reported bills of the following titles truly enrolled.

Memorial and joint resolution relative to mail route.

An act to incorporate the Richardson County Mining Company.

Joint resolution and memorial.

An act to repeal an act to amend an act, &c., relative to a herd law in Richland and Fontenelle precincts, approved Feb. 10, 1864, so far as the same relates to Richland precinct.

An act to incorporate the Brownville, Tecumseh, Beatrice and Big Sandy Wagon Road Company.

After having the same signed by the Speaker of House and President of the Council, and endorsed by the Chief Clerk of the Council, presented the same to the Governor for his approval, at half past 3 o'clock P. M., this the 10th day of February, 1866.

A. S. HOLLADAY,

J. B. BENNET.

Council now resolved itself into committee of the whole on
House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company.

Mr. Porter in the chair.

Private Secretary of the Governor being announced,

The President resumed the chair and received the following

Message from the Governor :

EXECUTIVE OFFICE,

OMAHA, Feb. 10, 1866.

Mr. President: The Governor directs me to inform this honorable body that he has signed and approved,

An act to repeal an act "to amend an act relative to a herd law in Richland and Fontenelle precincts, approved Feb. 10, 1864, so far as the same relates to Richland precinct."

Joint resolution and memorial to the honorable the Senate and House of Representatives of the United States in Congress assembled.

Also, memorial and joint resolution relative to mail routes, to the honorable, the Senate and House of Representatives of the United States in Congress assembled.

JAMES H. BARLOW,

Private Secretary.

After which the committee resumed consideration of the bill.

The Clerk of the House being announced,

The President resumed the chair and received

The following message from the House :

HOUSE OF REPRESENTATIVES,

February 10, 1866.

Mr. President: I am directed by the House to inform the honorable Council that the House has passed,

Council file No. 4.

Chapter 1, part 3, Criminal code, with the following amendments:

Section 48, At the end thereof, add "and any person thereof, duly convicted, shall be fined in a sum not exceeding one hundred dollars."

Section 50, At the end thereof, add, "and any person thereof, duly convicted, shall be fined in any sum not less than five dollars, nor exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both fined and imprisoned as aforesaid."

Section 64, Eleventh line, before the word "five," insert "twenty," fifteenth line, before the word "five," insert "twenty."

Section 123, At the end thereof, add, "and on conviction thereof, shall be fined in any sum not exceeding one hundred dollars, or imprisoned not exceeding three months, or both fined and imprisoned as aforesaid."

Section 148, Strike out all of the section.

Section 315, Strike out all after the word "hundred," in fifth line, and insert "dollars, or imprisoned in the county jail of the county not exceeding three months, or both fined and imprisoned as aforesaid."

In which the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of House.

After which the committee resumed consideration of the bill,

House file No. 63,

After some time, the committee rose, and through their chairman, Mr. Porter, reported as follows:

Mr. President: Your committee of the whole house, having had under consideration,

House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company,

Beg leave to report the same back to the Council with the following amendments, and recommend the bill be passed as amended.

1st Amendment, section 1, in 10th line, strike out the word "perpetual," and insert "twenty-five years."

2d Amendment, strike out in section 4, lines 20 and 21, the words, "and also to receive moneys on deposit and issue receipts therefor."

3d Amendment, strike out the words in section 10, 23d line, "the stock holders of said company," and insert in 26th line, after the word "company," the words "as required by the laws of this Territory, relative to Insurance companies."

4th Amendment, strike out words in line 5, section 11, "knowledge of."

5th Amendment, add to section 11,

Provided that the Legislature hereby reserves the right to alter or amend this act at any time.

JOHN R. PORTER,

Chairman committee of whole House.

Mr. Holladay moved to adopt the report of the committee of the whole,
Which motion was agreed to.

On motion of Mr. Kennedy,
The bill was read by title 3d time,
Passed, and title agreed to.

Part 3d of Council file No. 4,
Criminal Code, with House amendments, taken up.

On motion,

The Council concurred in House amendments to sections 48, 50, 133, 148, 315, and both amendments to section 64.

On motion of Mr. Holladay,
The Council took a recess for 10 minutes.

After recess,

Message from the House was received,

HOUSE OF REPRESENTATIVES,

February 10, 1866.

Mr. President: I am directed to return to your honorable body,

House file No. 61,

General appropriation bill,

And to inform you that the House refuses to concur in any of the Council amendments thereto.

GEORGE MAY,

Chief Clerk of House.

Mr. Allen moved that a committee be appointed to confer with a like committee from the House on the disagreements between the two houses on,

House file No. 61,

On division,

The motion was lost.

Mr. Porter moved that the Council refuse to recede from its amendments to House file No. 61.

On division,

Motion was agreed to, and

On motion of Mr. Porter,

A committee was appointed to confer with a like committee on the part of the House, relative to the disagreement pending between the two bodies.

President appointed as such committee, Messrs. Porter, Miller and Griffey.

On motion of Mr. Albertson,

The Council took a recess for 15 minutes.

After recess,

President called the Council to order, and

A message from the House as follows was received:

HOUSE OF REPRESENTATIVES,
February 10, 1866.

Mr. President: I am directed to inform your honorable body that the House has passed

Title 1, part 2, Council file No. 4,
Code of civil procedure, without amendment.

Also, that the House has appointed Messrs. Crounse, Lake, Brown and Barnum, the committee of conference requested upon the disagreement of the two Houses to the Council amendments to

House file No. 61,
General appropriation bill.

GEO. MAY,
Chief Clerk of the House.

Message from the House as follows, was received:

HOUSE OF REPRESENTATIVES,
February 10, 1866.

Mr. President: I am directed to inform your honorable body that the House has passed

Chapter 13, part 1, of Council file No. 4, entitled "Courts," with the following amendments:

Strike out all of sections 40, 41 and 42, and insert the following sections in lieu thereof.

40, That the county of Otoe, and the counties of Sarpy, Douglas and Dodge, and the territory west of Dodge, and north of the Platte river, shall be, and constitute the first Judicial District.

41, That the counties of Nemaha, Richardson, Lancaster, Pawnee, Cass, Saunders and Johnson, and all of the territory south of the Platte river, except the county of Otoe, shall be, and constitute the second Judicial District.

42, That the counties of Washington, Burt, Dakota, and all the counties and territory west and north thereof, except what is embraced in the first Judicial District, shall be, and constitute the 3d Judicial District.

After the word "year," in the 4th line of section 43, insert, "in the county of Otoe, on the first Monday, of March, and the 4th Monday in June, and the last Monday in September, in each year."

Section 47, in 4th line, strike out "in the county of Otoe, on the fourth Monday in March;" in 5th and 6th lines, strike out "thereafter," and insert "of March."

Section 47, 1st line, strike out in the county of Otoe, "on the 4th Monday in June;" in last line, strike out "and the county of Otoe in the third Tuesday in October."

And the concurrence of the Council is respectfully requested.

GEO. MAY,
Chief Clerk of House.

Message from the House as follows was received:

HOUSE OF REPRESENTATIVES,
February 10, 1866.

Mr. President: I am instructed to inform your honorable body that the House has receded from its amendment to

Title 15, article one, part 2, Council file No. 4,
Jurisdiction of Justices of the Peace.

Also, that it has passed

Council file No. 31,

A Bill for an act relative to vagrants; without amendments.

GEO. MAY,

Chief Clerk of the House.

Chapter 13 of Council file No. 4, part 1, with House amendments, taken up.

On motion,

The Council refused to concur in House amendments to sections, as follows:
40, 41, and 1st and 2d amendments to sections 47.

On motion,

The Council concurred in the amendment by the House to section 42.

On motion of Mr. Griffey,

The Council now adjourned.

MONDAY, FEBRUARY 12, 1866.

Council met pursuant to adjournment.

President in the Chair.

Roll call.

Absent—None.

Prayer by the chaplain.

Journal read and approved.

Message from the House as follows:

HOUSE OF REPRESENTATIVES,
February 12, 1866.

Mr. President: I am instructed to inform the honorable Council that the House has passed

Substitute for House file No. 117,

A Bill for an act to authorize sub-school district No. 2 in precinct No. 1 in Lancaster county, to raise a fund for the erection of a school house.

Substitute for House file No. 124,

A Bill for an act to incorporate the Internal Improvement and Trust company. Also,

Council file No. 32,

A Bill for an act to incorporate the Nebraska Annual Conference of the Methodist Episcopal church, and for other purposes,

With the following amendment: add to 6th section,

This corporation is authorized to purchase or receive as gifts or donations,

real estate, but that all real estate, except so much as may be necessary to carry on the business of the corporation, not to exceed eighty acres, shall be sold as often as once in 25 years for the benefit of such corporation.

In which the concurrence of your honorable body is respectfully requested.

GEO. MAY,

Chief Clerk of the House.

Mr. Kennedy, from the committee on judiciary, reported as follows :

Mr. President : Your committee on the judiciary have had under consideration

House file No. 125,

A Bill for an act to provide for serving notice by publication upon parties to suits for divorce, and for other purposes,

And direct me to report the same back to the Council and recommend it do not pass.

B. E. B. KENNEDY,

Chairman.

Mr. Griffey, from the committee on judiciary, reported as follows :

Mr. President : Your committee on the judiciary have had under consideration

House file No. 120,

Direct me to report the same back to the Council, and recommend the following amendments :

Strike out sections 4 and 5, and insert in lieu thereof the following :

Section 4. In case the parties cannot agree upon such damages, or in case the owner of such animals neglects or refuses to pay such damages, with costs of taking up the same, the party sustaining such damage shall proceed to dispose of such animals as provided by the law relative to estrays.

THOS. L. GRIFFEY,

Chairman.

Mr. Bennet, from the special committee on House file No. 71, made the following report :

Mr. President : Your special committee to whom was referred the Substitute for House file No. 71,

A Bill for an act to create a board of immigration, and to encourage immigration to Nebraska,

Having had the same under consideration, hereby report the same back and recommend its passage.

J. B. BENNET,

E. A. ALLEN,

J. G. MILLER.

Mr. McCasland, from the select committee on House file No. 112, made the following report :

Mr. President : Your committee on federal relations to whom was referred House file No. 112,

Memorial and joint resolution relative to a mail route,

Having had the same under consideration report it back with amendment, and recommend its passage as amended.

J. W. McCASLAND.

Mr. Porter, from the committee on finance, made the following report:

Mr. President: Your committee on finance, to whom was referred

House file No. 126,

Beg leave to report the same back to the Council without amendment, and recommend its passage.

J. R. PORTER,

J. G. MILLER.

Mr. Griffey moved that a committee of conference on the part of the Council be appointed to confer with a like committee on the part of the House, upon the disagreement between the two houses on chapter 13, part 1, Council file No. 4,

Which motion was agreed to, and

Messrs. Griffey, Chapman and Albertson were appointed conference committee on the part of the Council.

Mr. Griffey, from select committee on House file No. 114, made the following report:

Mr. President: The select committee to whom was referred

House file No. 114,

A Bill for an act to restrain stock from running at large in Cuming county,

Having had the same under consideration, have directed me to report the same back to the Council without amendment, and recommend its passage.

THOS. L. GRIFFEY.

GEO. FAULKNER,

Mr. Chapman, from the select committee on House file No. 85, made the following report:

Mr. President: Your select committee, to whom was referred

House file No. 85,

A Bill for an act to legalize the collection of taxes for Cass county for the year 1860. Also,

House file No. 98,

For an act to amend the charter of the city of Plattsmouth,

Report the same back to the Council and recommend their passage.

All of which is respectfully submitted.

J. W. CHAPMAN,

J. G. MILLER,

Mr. Porter, from committee on conference on House file No. 61, made the following report:

Mr. President: Your committee of conference on

Substitute for House file No. 61,

A Bill for an act making appropriations for Legislative expenses and for other purposes, for the year A. D. 1866,

Have had the same under consideration, and recommend that the Council

recede from their refusal to recede from the amendments of the Council, or such of those that were stricken out, and that the Council refuse to recede from the new amendments which were added to the bill for legislative expenses.

J. R. PORTER,
J. G. MILLER,

Mr. Griffey on leave introduced
Council file No. 33,

A Bill for an act to continue the organization of Buffalo county, Nebraska Territory.

Mr. Mason on leave introduced
Council file No. 34,

A Bill for an act requiring district courts to reduce instructions given to juries to writing, when requested.

Mr. Griffey moved that the rule be suspended and Council file No. 34 be taken up and considered now,

Which motion was agreed to.

Mr. Allen moved that the rules be suspended and Council file No. 34 be read 1st, 2d and 3d time by title, and put upon its passage,

Which motion was agreed to.

Council file No. 34,

A Bill for an act requiring district courts to reduce instructions given to juries to writing, when requested,

Read 1st, 2d and 3d time by title,

Passed and title agreed to.

Mr. Griffey moved that the rules be suspended and Council file No. 33 be taken up and considered now,

Which motion was agreed to.

Mr. Griffey moved that the rules be suspended, Council file No. 33 be read 1st, 2d and 3d time by title and put upon its passage,

Which motion was agreed to.

Council file No. 33,

A Bill for an act to continue the organization of Buffalo county, Nebraska Territory,

Read 1st, 2d and 3d time by title,

Passed, and title agreed to.

Substitute for House file No. 124,

A Bill for an act to incorporate the Internal Improvement and Trust company, taken up.

Read 1st time.

Mr. Kennedy moved that the rule be suspended, and the bill, House file No. 124, be read 2d and 3d time by title.

On division,

The motion was lost.

Message from the House received, as follows:

HOUSE OF REPRESENTATIVES,
February 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House refuses to recede from its amendments to

Chapter 13, part 1, Council file No. 4, entitled "Courts,"

And that a committee of conference is respectfully requested thereon; and the House has appointed as such committee on its part, Messrs. Maxon, Campbell, Lake and Arnold.

GEO. MAY,
Chief Clerk of House.

Mr. Holladay, from the committee on enrolled bills, reported:

Memorial and joint resolution,

An act vacating a part of Cuming City, Washington county, Nebraska Territory.

An act to incorporate the Peru Seminary and College.

An act to revive an act entitled "an act to consolidate Nebraska city, South Nebraska city and Kearney city, and to incorporate Nebraska city, approved Dec. 31st, 1857," and the several amendments to said act, truly enrolled.

And after having the same signed by the Speaker of the House, and the President of the Council, and endorsed by the Chief Clerk of the Council, presented the same to the Governor for his approval at half past 10 o'clock this the 12th day of February, 1866.

A. S. HOLLADAY,
J. B. BENNET.

Message from the House received as follows:

HOUSE OF REPRESENTATIVES,
February 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House has refused to concur in Council amendments to

House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company, and respectfully request a committee of conference thereon, and that the House has appointed Messrs. Clark, Paddock, Green and Lefler, as such committee upon its part.

Also, that the House has passed
Council file No. 33,

An act to continue the organization of the county of Buffalo, Nebraska Territory, without amendments. Also

Council file No. 34,

A Bill for an act requiring courts to reduce instructions given to juries to writing when requested, without amendments.*

GEO. MAY,
Chief Clerk of House.

Mr. Chapman moved that a committee of conference on the part of the Council be appointed to confer with a like committee on the part of the House, on

the disagreement between the two Houses on House file No. 63,

A Bill for an act to incorporate the Omaha Insurance Company.

Which motion was agreed to.

Messrs. Chapman, Bennet and McCasland, were appointed a conference committee on the part of the Council.

Mr. Porter, on leave, reported as follows:

Mr. President: Your select committee, to whom was referred,

House file No 60,

A Bill for an act to provide a poor fund in the county of Douglas, and for other purposes;

Have had the same under consideration, and recommend that the bill be passed without amendment.

J. R. PORTER,

B. E. B. KENNEDY.

Council file No. 32,

A Bill for an act to incorporate the Nebraska conference of the Methodist Episcopal Church, and for other purposes,

With amendment proposed by the House, taken up.

Mr. Miller moved that the Council concur in the amendments proposed by the House.

Which motion was agreed to.

House file No. 117,

A bill for an act to authorize sub-School district No. 2, in precinct No. 1, in Lancaster county, to raise a fund for the erection of a school house, taken up.

Mr. Chapman moved that the rules be suspended, the bill be read 1st and 2d time by title, and referred.

Which motion was agreed to.

House file No. 117,

Read 1st and 2d time by title, and

Referred to committee on education.

Mr. Kennedy moved that the rule be suspended, and

House file No. 124,

A Bill for an act to incorporate the Internal Improvement and Trust Company be taken up, and

Read a 2d time by title now.

The President ruled the motion out of order.

Mr. Kennedy appealed from the decision of the chair.

Mr. Holladay moved a call of the house.

Call of the house ordered.

Roll called.—Absent, Mr. Bennet.

Mr. Holladay moved that the sergeant-at-arms be dispatched after absentees.

Which motion was agreed to.

Mr. Kennedy moved that all further proceedings under the call be dispensed with.

On the division,

The motion was lost.

Mr. Bennet appearing at the bar,

Mr. Chapman moved that all further proceedings under the call be dispensed with.

Which motion was agreed to.

On the question, shall the decision of the President stand as the judgment of the Council,

The yeas and nays were ordered, and resulted as follows:

Yeas—Messrs. Bennet, Chapman, Holladay, Miller and McCasland—5.

Nays—Messrs. Albertson, Allen, Blanchard, Faulkner, Griffey, Kennedy and Porter—7.

So the decision of the President was not sustained.

The question recurring on Mr. Kennedy's motion, that the rule be suspended, and House file No. 124, be taken up, and read a 2d time by title now.

The yeas and nays were ordered, and resulted as follows:

Yeas—Messrs. Albertson, Allen, Blanchard, Faulkner, Griffey, Kennedy and Porter—7.

Nays—Messrs. Bennet, Chapman, Holladay, Mason, Miller and McCasland—6.

So the motion was lost, and the rule was not suspended.

Mr. Miller moved that the rules be suspended, and that the reports of committees made this morning, be considered now.

Which motion was agreed to.

The report of the committee of conference on

House file No. 61,

A Bill for an act making appropriations, &c, with the several amendments thereto, taken up.

Mr. Chapman moved that the report of the committee be adopted, on which the

Yeas and nays were ordered.

Mr. Chapman moved a call of the house.

Roll called.—Absent, Messrs. Allen and Kennedy.

Mr. Chapman moved that the sergeant-at-arms be dispatched after absentees.

Which motion was agreed to.

Messrs. Allen and Kennedy appearing at the bar,

Mr. Chapman moved that all further proceedings under the call, be dispensed with,

Which motion was agreed to.

The question recurring on Mr. Chapman's motion to adopt the report of the committee of conference on House file No. 61, it resulted as follows:

Yeas—Messrs. Albertson, Faulkner, Mason, Miller, McCasland and Porter—6.

Nays—Messrs. Allen, Blanchard, Bennet, Chapman, Griffey, Holladay, and Kennedy—7.

So the motion was lost.

Mr. Chapman moved that the report of the committee of conference on House file No. 61,

Be considered in committee of the whole.

Mr. Miller moved that the Council take a recess until 2 o'clock P. M.

Which motion was agreed to.

And the Council took a recess at 1 h 10 m P. M.

After recess,

The President called the Council to order at 2 o'clock P. M.

A call of the house ordered.

Roll called.—Absent, Messrs. Bennet, Chapman, Griffey, Kennedy, Holladay and Miller.

Mr. Allen moved that the sergeant-at arms be dispatched after absentees.

Which motion was agreed to.

Messrs. Bennet, Chapman, Griffey and Kennedy appearing at the bar,

Mr. Allen moved that all further proceedings under the call, be dispensed with.

Which motion was agreed to.

The question being on Mr. Chapman's motion to consider the report of the committee of conference on

House file No. 61,

In committee of the whole,

The motion was agreed to.

House file No. 120,

A Bill for an act to make stock accountable for damage they may do upon cultivated lands, taken up.

Mr. Griffey moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Griffey moved that the amendments recommended by the committee, be adopted.

Which motion was agreed to.

Mr. Griffey moved that the bill as amended, be read 3d time, and put upon its passage.

Which motion was agreed to.

House file No. 120,

Read 3d time as amended,

Passed, and title agreed to.

House file No. 71,

A Bill for an act to create a Board of Immigration, and to encourage immigration to Nebraska, taken up.

Mr. Bennet moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Bennet moved that the bill be read 3d time by title, and put upon its passage.

Which motion was agreed to.

House file No. 71,

Read 3d time by title,

Passed, and title agreed to.

House file No. 112,

A memorial and joint resolution relative to a mail route, taken up.

Mr. McCasland moved that the bill be considered in Council.

Which motion was agreed to.

Mr. McCasland moved to adopt the amendment recommended by the committee.

Which motion was agreed to.

Mr. McCasland moved that the bill be read a 3d time by its title, and put upon its passage.

Which motion was agreed to.

House file No. 112,

Read 3d time as amended,

Passed, and title agreed to.

House file No. 126,

A Bill for an act to provide for the education of the Deaf and Dumb children of Nebraska, taken up.

Mr. Chapman moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Chapman moved that the bill be read a 3d time by title, and put upon its passage.

Which motion was agreed to.

House file No. 126,

Read a 3d time by title,

Passed, and title agreed to.

House file No. 114,

A Bill for an act to restrain stock from running at large in Cuming county, taken up.

Mr. Porter moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Porter moved that the rule be suspended, and the bill read a 3d time by title, and put upon its passage.

Which motion was agreed to.

House file No. 114,

Read a 3d time by title,

Passed, and title agreed to.

House file No. 85,

A Bill for an act to legalize the collection of taxes in Cass county, for the year 1860, taken up,

Mr. Chapman moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Chapman moved to suspend the rule and read the bill a 3d time by title, and put it upon its passage.

Pending which,

Mr. Miller moved a call of the house.

Roll called.—Absent, Mr. Holladay.

Mr. Holladay appearing at the bar,

Mr. Miller moved that all further proceedings under the call be dispensed with.

Which motion was agreed to.

The question being on Mr. Chapman's motion,

On division,

The motion was lost.

Mr. Holladay, from the committee on enrolled bills, reported the committee had examined and compared bills of the following titles, truly enrolled:

An act to authorize the town Council of Nebraska City to raise money to erect a Central or High School building.

An act requiring District Courts to reduce instructions given to juries to writing when requested.

An act to incorporate the Union Transfer Company.

An act to incorporate the Nebraska Annual conference of the Methodist Episcopal Church, and for other purposes.

An act to continue the organization of the county of Buffalo, Nebraska Territory.

After having the same signed by the Speaker of the House and the President of the Council, and endorsed by the Chief Clerk of the Council, presented the same to the Governor for his approval, at 10 o'clock P. M., this the 12th day of February, 1866.

A. S. HOLLADAY,
J. B. BENNET.

House file No. 125,

A Bill for an act to provide for serving notice by publication upon parties to suits for divorce, and for other purposes, taken up,

Mr. Allen moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Griffey moved that the recommendation of the committee on judiciary be adopted.

Which motion was agreed to.

House file No. 60,

A Bill for an act to provide a poor fund in the county of Douglas, and for other purposes, taken up.

Mr. Porter moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Porter moved that the rule be suspended and the bill be read a 3d time by title, and put upon its passage.

Which motion was agreed to.

House file No. 60,

Read 3d time by title.

Passed, and title agreed to.

House file No. 98,

A Bill for an act to amend the charter of the City of Plattsburgh, taken up.

Mr. Chapman moved that the bill be considered in Council.

Which motion was agreed to.

Mr. Chapman moved that the rule be suspended and the bill read a 3d time by its title, and put upon its passage.

Which motion was agreed to.

House file No. 98,

Read 3d time by title,

Passed, and title agreed to.

Mr. Griffey moved to reconsider the vote by which

House file No. 100,

A Bill for an act to incorporate the Washington County Mining Company, was indefinitely postponed.

On division,

The motion was agreed to.

House file No. 100, taken up.

Mr. Chapman offered the following amendment:

Provided, That the Legislature hereby reserve the right to alter or amend this act at any time from and after the date of its passage.

Which was adopted.

Mr. Griffey moved that the rule be suspended and the bill be read a 3d time by title, and put upon its passage as amended.

Which motion was agreed to.

House file No. 100,

Read 3d time by title, and

On its passage, the yeas and nays were ordered, and resulted as follows:

Yeas—Messrs. Albertson, Blanchard, Chapman, Faulkner, Griffey, Kennedy, Miller and Porter—8.

Nays—Messrs. Allen, Bennet, Holladay and McCasland—4.

So the bill passed, and title agreed to.

Mr. Miller, from committee on education, on leave, reported as follows:

Mr. President: Your committee on education, to whom was referred,

House file No. 117,

A Bill for an act to authorize sub-school district No. 2 in precinct No. 1 in Lancaster county, to raise a fund for the erection of a school house.

Having had the same under consideration have instructed me to report the same back to the Council without amendment, and recommend its passage.

J. G. MILLER,

A. S. HOLLADAY.

Mr Chapman moved that the rule be suspended and the report of the committee be considered now.

Which motion was agreed to.

Mr. Miller moved that the bill,

House file No. 117,

Be considered in Council.

Which motion was agreed to.

Mr. Miller moved that the rules be suspended, and the bill read a 3d time by title, and put upon its passage.

Which motion was agreed to.

House file No. 117,

Read 3d time by title,

Passed, and title agreed to.

Mr. Chapman moved to suspend the rules and take up,

House file No. 124,

A Bill for an act to incorporate the Internal Improvement and Trust company,

Ruled out of order.

Mr. Chapman moved to reconsider the vote by which the Council refused to suspend the rule and read the bill a 2d time.

Which motion was agreed to.

Mr. Chapman moved to suspend the rules, and

Read the bill a 2d time.

Which motion was agreed to.

Mr. Kennedy moved to consider the bill in Council.

Which motion was agreed to.

The following message from the Governor was received:

EXECUTIVE OFFICE,
Omaha, February 12, 1866.

Mr. President: The Governor directs me to inform this honorable body that he has signed and approved

An Act to incorporate the Brownville, Tecumseh, Beatrice and Big Sandy Wagon Road Company.

An Act vacating a part of Cuming City, Washington county, Nebraska Territory.

An Act requiring district courts to reduce instructions given to juries to writing, when requested.

Memorial and joint resolution to the honorable the Senate and House of Representatives of the United States in Congress assembled, relating to further aid for the extension of the Burlington and Missouri River Railroad through Nebraska.

JAMES H. BARLOW,
Private Secretary.

Mr. Chapman offered the following amendment to House file No. 124:

Section 6. The Legislature of the Territory of Nebraska, and the people, reserve to themselves the right to alter, amend or repeal the charter at any time,

Which was adopted.

Mr. Chapman moved to change "section 6" to "section 7,"

Which motion was agreed to,

Mr. Kennedy moved to suspend the rules, read the bill a 3d time by title, and put it on its passage as amended,

Which motion was agreed to.

Bill read 3d time by title,

On the passage of the bill,

The ayes and nays were ordered, and resulted as follows :

Yeas : Messrs. Albertson, Allen, Blanchard, Faulkner, Griffey, Kennedy and Porter—7.

Nays : Messrs. Bennet, Chapman, Holladay, Miller and McCasland—5.

So the bill passed as amended, and title agreed to.

Mr. Kennedy moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess at 2:45 P. M.

After recess,

President called the Council to order at 3:15 P. M.

Message from the House as follows :

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House has concurred in all the Council amendments to House file No. 63, except the proviso to the last section, and in this amendment they do not concur.

GEO. MAY,

Chief Clerk of House.

Mr. Griffey on leave reported as follows :

Mr. President: Your joint committee of conference relative to the disagreement on the House amendments to sections 40, 41, 42 and 47 of Council file No. 4, chapter 13, part 1, entitled "Courts," having had the same under consideration recommend that the Council insist upon its refusal to concur, and that section 40 be amended by striking out the words "Lancaster and Calhoun."

All of which is respectfully submitted.

THOS. L. GRIFFEY,

J. W. CHAPMAN,

ISAAC ALBERTSON,

Mr. Kennedy moved to adopt the report of the committee of conference,

Which motion was agreed to.

The Council then resolved itself into committee of the whole for the consideration of:

House file No. 61,

A Bill for an act making appropriations, &c., for 1864,

Mr. Porter in the Chair.

After spending some time in committee of the whole, the committee rose, and through their chairman, Mr. Porter, reported as follows:

Mr. President: The committee of the whole having had under consideration

House file No. 61,

A Bill for an act making appropriations for 1866,

Direct me to report the bill back to the Council and recommend that the Council recede from all its amendments, except the following:

Strike out appropriations

For hand rails 2d story of capitol.....	300 00
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Education of deaf and dumb....	1,000 00
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Librarian for miscellaneous works, &c.....	100 00
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Wm. Lammon.....	10 00
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Wm. McLennan.....	4 00
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Change appropriations for Benjamin F. Ferguson from \$477 00 to \$100 00..

Change "Thomas Helvey" to "O. P. Mason."

Strike out "1,200" in appropriations for auditor, and insert "1,000."

Add:

Henry P. Deuel.....	160 00
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E. Estabrook.....	200 00
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John Gillespie.....	76 00
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Samuel Cox.....	8 00
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M. McCoy.....	60 00
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As much as may be needed of the amount of \$75 00 for extra help under the certificate of the committee on enrolling.....	75 00
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JOHN R. PORTER,

Chairman Committee of the Whole.

The following message from the House was received:

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House refuses to concur in the Council amendments to

House file No. 124,

A Bill for an act to incorporate the Internal Improvement and Trust Company.

Also, that the House has passed

House file No. 122,

A Bill for an act to restrain stock from running at large in Plattford and Forest City precincts, Sarpy county, Nebraska.

Also, that the House has receded from its amendments to

Council file No. 4, chapter 13, part 1, entitled "Courts."

Also, that section 40 be amended by striking out "Lancaster and Calhoun counties ;"

In which amendments of the House the concurrence of the Council is respectfully requested.

House file No. 123,

A Bill for an act to establish a herd law in Salt Creek and South Bend precincts, Cass county, &c. ;

And the concurrence of the Council to House bills is respectfully requested.

GEO. MAY,

Chief Clerk of House.

Mr. Kennedy on leave introduced

Council file No. 35,

A Bill for an act for revising, amending, consolidating and re-enacting the Civil and Criminal Code, and the laws of a general nature, of the Territory of Nebraska.

Mr. Kennedy moved that the rule be suspended, and the bill be read a 1st and 2d time by title,

Which motion was agreed to.

Council file No. 35,

Read 1st time by title.

Mr. Kennedy moved that the rule be suspended and the bill be read a second time by title,

Which motion was agreed to.

Council file No. 35,

Read 2d time by title.

Mr. Kennedy moved that the rule be suspended and the bill be read a 3d time by title and put upon its passage

Which motion was agreed to.

Council file No. 35,

Read third time by title,

Passed and title agreed to.

Mr. Miller moved that the report of the committee of the whole on House file No. 61 be adopted.

Mr. Allen moved to lay that motion on the table.

On division,

The motion was lost.

The question recurring on Mr. Miller's motion,

On division,

The motion was lost.

Mr. Chapman moved to strike out of the bill all Pawnee war claims, as follows : appropriations for

R. W. Hazen.....	42 76
J. G. Smith.....	18 12

Which motion was agreed to.

Mr. Chapman moved to adopt the report of the committee of the whole as amended.

Which motion was agreed to.

Mr Porter moved that the rule be suspended and the bill read by title a 3d time as amended, and put upon its passage,

Which motion was agreed to.

House file No. 61,

Read 3d time by title,

Passed, and title agreed to.

Mr. Chapmau moved that

Council file No. 24,

A Bill for an act to define the boundaries of the several counties of Nebraska, and to establish new counties, be taken up,

Which motion was agreed to.

Council resolved itself into committee of the whole for the consideration of Council file No. 24,

Mr. Chapman in the Chair.

A message from the House being announced,

The President resumed the Chair and received the following message :

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am instructed to inform your honorable body that the House has passed

Council file No. 35,

A Bill for an act revising, amending, consolidating and re-enacting the Civil and Criminal Codes, and the laws of a general nature, of the Territory of Nebraska, without amendments.

GEO. MAY,

Chief Clerk of the House.

After which the committee of the whole resumed the consideration of Council file No. 24, and

After spending some time in consideration of the bill, the committee rose and through their chairman reported the bill back and recommended its indefinite postponement.

Mr. Griffey moved that the report of the committee be adopted.

Mr. Miller moved to lay that motion on the table.

On division,

The motion was agreed to.

Mr. Miller moved to consider the bill in Council,

Which motion was agreed to.

Mr. Chapman moved to strike out "Izard" and insert "Omaha,"

Which motion was agreed to.

Mr. Griffey moved to strike out "Curtis" and insert "Cotton,"

Which motion was agreed to.

Mr. Miller moved to strike out "Miller" and insert "Heath,"
Which motion was lost.

Mr. Chapman moved to strike out "Megeath" and insert "Iowa,"

Mr. Griffey moved to lay that motion on the table,

Which motion was agreed to.

Mr. Griffey moved to indefinitely postpone the further consideration of Council file No. 24.

On division,

The motion was lost.

The following message from the House was received :

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am directed to inform the honorable Council that the House has passed

House file No. 127,

Joint resolution to detail a guard for

House file No. 108.

And the concurrence of the Council is respectfully requested.

GEO. MAY,

Chief Clerk of the House.

Mr. Holladay, from the committee on enrolled bills, reported :

An act for revising, amending, consolidating and re-enacting the Civil and Criminal Codes, and the laws of a general nature, of the Territory of Nebraska, truly enrolled, and after having the same signed by the Speaker of the House, the President of the Council, and endorsed by the chief clerk of the Council, presented the same to the governor for his approval at half past 4 o'clock, P. M., this, 12th day of February, A. D. 1866.

A. S. HOLLADAY,

J. B. BENNET.

Mr. Chapman moved that the Council take a recess until 7 o'clock, P. M.,

Which motion was agreed to, and

The Council took a recess at 5:40 P. M.

After recess,

The President called the Council to order at 7 o'clock, P. M.

House file No. 127,

Joint resolution to detail a guard for

House file No. 108, taken up.

Read 1st time.

House file No. 122,

A Bill for an act to restrain stock from running at large in Plattford and Forest City precincts, in Sarpy county, Nebraska, taken up.

Mr. Blanchard moved that the rule be suspended and the bill read a 2d time by title,

Which motion was agreed to.

House file No. 122,

Read a 2d time by title.

Mr. Blanchard moved that the rule be suspended, and the bill be read a 3d time by title and put upon its passage,

Which motion was agreed to.

House file No. 122,

Read 3d time by title,

Passed, and title agreed to.

The following message from the House was received:

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am directed by the Speaker of the House of Representatives to inform your honorable body that the House has concurred in the amendments made by the Council to

House file No. 61.

And further, that the House has amended said bill by the insertion after the 7th line, on page 5 of said bill the following items:

For C. P. Birkett, assistant engrossing clerk of the House.....\$60 00

For Chester Lusk, for extra services, in attending committees, &c.,..... 18 00

And respectfully ask the concurrence of the Council therein.

GEO. MAY,

Chief Clerk.

House file No. 123,

A Bill for an act to establish a herd law for Salt Creek and South Bend precincts, Cass county, and fractional township No. 13, N. of R. 9 E., in Saunders county, taken up.

Mr. Allen moved that the rules be suspended and the bill read a 1st time by title,

Which motion was agreed to.

House file No. 123,

Read 1st time by title.

Mr. Holladay moved that the rule be suspended and the bill be read a 2d time by title,

Which motion was agreed to.

House file No. 123,

Read 2d time by title,

Mr. Blanchard moved that the rule be suspended and the bill read a 3d time by title, and put upon its passage,

Which motion was agreed to.

House file No. 123,

Read a 3d time by title,

Passed, and title agreed to.

House file No. 61,

A Bill for an act making appropriations, &c., for 1866, with House amendment, taken up.

Mr. Allen moved that the Council concur in the amendment proposed by the House,

Which motion was agreed to.

Mr. Chapman moved to take up

Council file No. 24,

A Bill for an act to define the boundaries of counties, &c.,

Which motion was agreed to.

Mr. Chapman moved to consider the bill in committee of the whole,

Which motion was agreed to.

Counsel resolved itself into the committee of the whole for the consideration of

Council file No. 24,

Mr. Allen in the chair.

After spending some time in the consideration of the bill, the committee rose, and through their chairman, Mr. Allen, reported the bill back to the Council with the blanks all filled, and recommended its passage as perfected.

Mr. Chapman moved to adopt the report of the committee, read the bill a 3d time, and put it on its passage,

Which motion was agreed to.

Council file No. 24,

Read a 3d time, and

Passed

Mr. Chapman moved to amend the title so as to read,

A Bill for an act to create and define the boundaries of new counties in the Territory of Nebraska,

Which motion was agreed to, and

Title agreed to as amended.

Mr. Chapman moved to take up

House file No. 24,

A Bill for an act to incorporate the Internal Improvement and Trust Company,

And that the Council adhere to its amendments to the same,

Which motion was agreed to.

The following message from the governor was received :

EXECUTIVE OFFICE,

Omaha, February 12, 1866.

Mr. President: I am instructed by the Governor to inform this honorable body that he has signed and approved

An act to incorporate the Union Transfer Company.

An act to incorporate the Nebraska Annual Conference of the Methodist Episcopal church, and for other purposes,

An act to incorporate the Richardson County Mining Company,

An act to authorize the town council of Nebraska city to raise money to erect a central or high school building.

An act to incorporate the Peru Seminary and College.

An act to continue the organization of the county of Buffalo, Nebraska Territory.

An act to revise an act entitled, an act to consolidate Nebraska City, South Nebraska City and Kearney City, and to incorporate Nebraska City, approved December 31, 1857, and the several amendments to said act.

JAMES H. BARLOW,

Private Secretary.

Mr. Chapman on leave made the following report:

Mr. President: Your committee of conference to whom was referred House file No. 63, entitled,

An act to incorporate the Omaha Insurance Company,

Recommend the adoption of the following amendment to the proviso: add the words; "after the expiration of a period of ten years."

All of which is respectfully submitted.

J. W. CHAPMAN,

J. B. BENNET,

J. N. McCASLAND.

Mr. Griffey moved to adopt the report of the committee of conference on House file No. 63.

Which motion was agreed to.

Mr. Albertson moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess at 8:25 P. M.

After recess,

The President called the Council to order at 8:55 P. M.

Mr. Kennedy on leave introduced.

Council file No. 36,

Joint resolution appointing Experience Estabrook to superintend the enrolling, arranging and indexing the Revised Statutes of Nebraska, and for other purposes.

Read 1st time.

Mr. Holladay moved a call of the house.

Roll called.

Absent—Messrs. Bennet, Chapman, Miller and Porter.

Mr. Kennedy moved that the sergeant-at-arms be dispatched after absentees, Which motion was agreed to.

Messrs. Chapman, Miller and Porter appearing at the bar, Mr. Allen moved that all further proceedings under the call be dispensed with,

Which motion was agreed to.

Mr. Griffey moved that the rules be suspended and the bill be read a 2d time by title,

Which motion was agreed to.

Council file No. 36,

Read 2d time by title.

Mr. Kennedy moved to amend the bill by inserting the words "two hundred dollars" in the first blank,

Which motion was agreed to.

Mr. Kennedy moved to fill the 2d blank by inserting the words "five dollars,"

Which motion was agreed to.

Mr. Griffey moved that the rules be suspended and the bill read a 3d time by its title, and put upon its passage,

Which motion was agreed to.

Council file No. 36,

Read third time by title,

Passed, and title agreed to.

Mr. Chapman on leave introduced

Council file No. 37,

A joint resolution for the relief of J. R. Meredith and Gov. A. Saunders.

Read 1st time.

Mr. Chapman moved to suspend the rules and read the bill a 2d time by title.

On division,

The motion was lost.

Mr. Chapman, from committee on corporations, returned

Council file No. 29,

A Bill for an act for the sale of delinquent stock of corporations,

And asked that the committee be excused from the further consideration of the bill.

Message from the House received as follows :

HOUSE OF REPRESENTATIVES,

February 12, 1866.

Mr. President: I am instructed to inform the honorable Council that the House has passed,

Council file No. 36,

Joint resolution appointing Experience Estabrook to superintend the enrolling, arranging and indexing the Revised Statutes of Nebraska, and for other purposes,

With the following amendment :

Insert after the word "dollars," in 9th line, "be, and the same is hereby appropriated."

And the concurrence of the Council is respectfully requested to the House amendment.

GEO. MAY,

Chief Clerk of House.

Mr. Chapman offered the following resolution :

Resolved, That the thanks of this body are due, and are hereby tendered to the Hon. O. P. Mason, President of the Council, for the efficient manner in

which he has discharged his duties as presiding officer of the Council during the present session ;

Which was unanimously adopted.

Mr Kennedy offered the following resolution :

Resolved, That the thanks of this body are tendered to William E. Harvey, chief clerk, William W. Watson, assistant clerk, Alexander Burks, engrossing clerk, O. T. B. Williams, enrolling clerk, Wiley B. Dixon, sergeant-at-arms, Charles Ulry, door-keeper, Philo Judson, fireman, Master Albert VanCamp, and Earnest Stang, pages, for the prompt and efficient manner in which they have severally performed the duties assigned them during the present session ;

Which was unanimously adopted.

Mr. Chapman offered the following resolution :

Resolved, That the thanks of the Council are due, and are hereby tendered to, the Rev. Henry W. Kuhns, for the faithful and Christian manner in which he has discharged his duties as chaplain of this body during the present session ;

Which was unanimously adopted.

The following message from the Governor was received :

EXECUTIVE OFFICE,

OMAHA, Feb. 12, 1866.

Mr. President : The Governor directs me to inform this honorable body that he has signed and approved,

A Bill for an act for revising, amending, consolidating and re-enacting the Civil and Criminal Codes, and the laws of a general nature of the Territory of Nebraska.

JAMES H. BARLOW,

Private Secretary.

Mr. Albertson moved that the Council concur in the amendments proposed by the House to

Council file No. 36,

Joint resolution appointing Experience Estabrook to superintend the enrolling, arranging and indexing the Revised Statutes of Nebraska, and for other purposes,

Which motion was agreed to.

Mr. Holladay moved that the Council take a recess for 30 minutes,

Which motion was agreed to, and

The Council took a recess a 10:05 P. M.

After recess,

President called the Council to order, at 10:35 P. M.

Mr. Porter offered the following resolution :

Resolved, That the thanks of this body are hereby tendered to the Hon. A. S. Paddock, secretary of the Territory, for his gentlemanly deportment and uniform kindness shown the members of the Council during the present session ;

Which was unanimously adopted.

A committee from the House of Representatives appearing, they announced,

through their chairman, Mr. Lake, that the House of Representatives having concluded their labors, were now ready to adjourn.

Mr. Allen moved that a committee be appointed to wait on the Governor and ascertain whether he has any further communication to make to the Council,

Which motion was agreed to, and

Messrs. Allen, Miller and Kennedy were appointed such committee.

After a short absence the committee returned and through their chairman, Mr. Allen, reported that they had performed the duty assigned them, and that the Governor would send in a final communication in a short time.

Mr. Holladay, from the committee on enrolled bills, reported that the joint resolution appointing Experience Estabrook to superintend the enrolling and printing the Revised Statutes of Nebraska, to be correctly enrolled, and after having the same signed by the Speaker of the House, and the President of the Council, and endorsed by the chief clerk of the Council, presented the same to the Governor for his approval, at 11 o'clock, P. M., this, 12th day of February, 1866.

A. S. HOLLADAY,
J. B. BENNET.

Message from the governor:

EXECUTIVE OFFICE,
February 12, 1866.

Mr. President: I am instructed by the governor to inform this honorable body that he has signed and approved

Joint resolution appointing Experience Estabrook to superintend the enrolling and printing the Revised Statutes of Nebraska.

JAMES H. BARLOW,
Private Secretary.

Mr. Porter moved that a committee be appointed to wait on the Governor and inquire whether he had any further communication to make to the Council,

Which motion was agreed to, and

Messrs. Porter, Bennet and Albertson were appointed such committee.

After a short absence the committee returned and reported that they had performed the duty assigned them, and that the Governor had informed them that he had no further communication to make.

Mr. Allen moved to reconsider the vote by which the Council refused to read

Council file No. 37,

A joint resolution for the relief of J. R. Meredith and Gov. A. Saunders, a 2d time.

On division,

The ayes were 6, nays 6.

The President voted aye, and the vote was reconsidered.

Mr. Allen moved that the rule be suspended, and

Council file No. 37,

Be read a 2d and 3d time, and put upon its passage.

On division,

The motion was lost.

Journal of the day read and approved.

Mr. Allen moved that the Council adjourn *sine die*,

Which motion was agreed to, and

The Council adjourned *sine die* at 11:45 P. M., Monday, February 12, A. D. 1866.

O. P. MASON,

President.

W. E. HARVEY,

Chief Clerk.